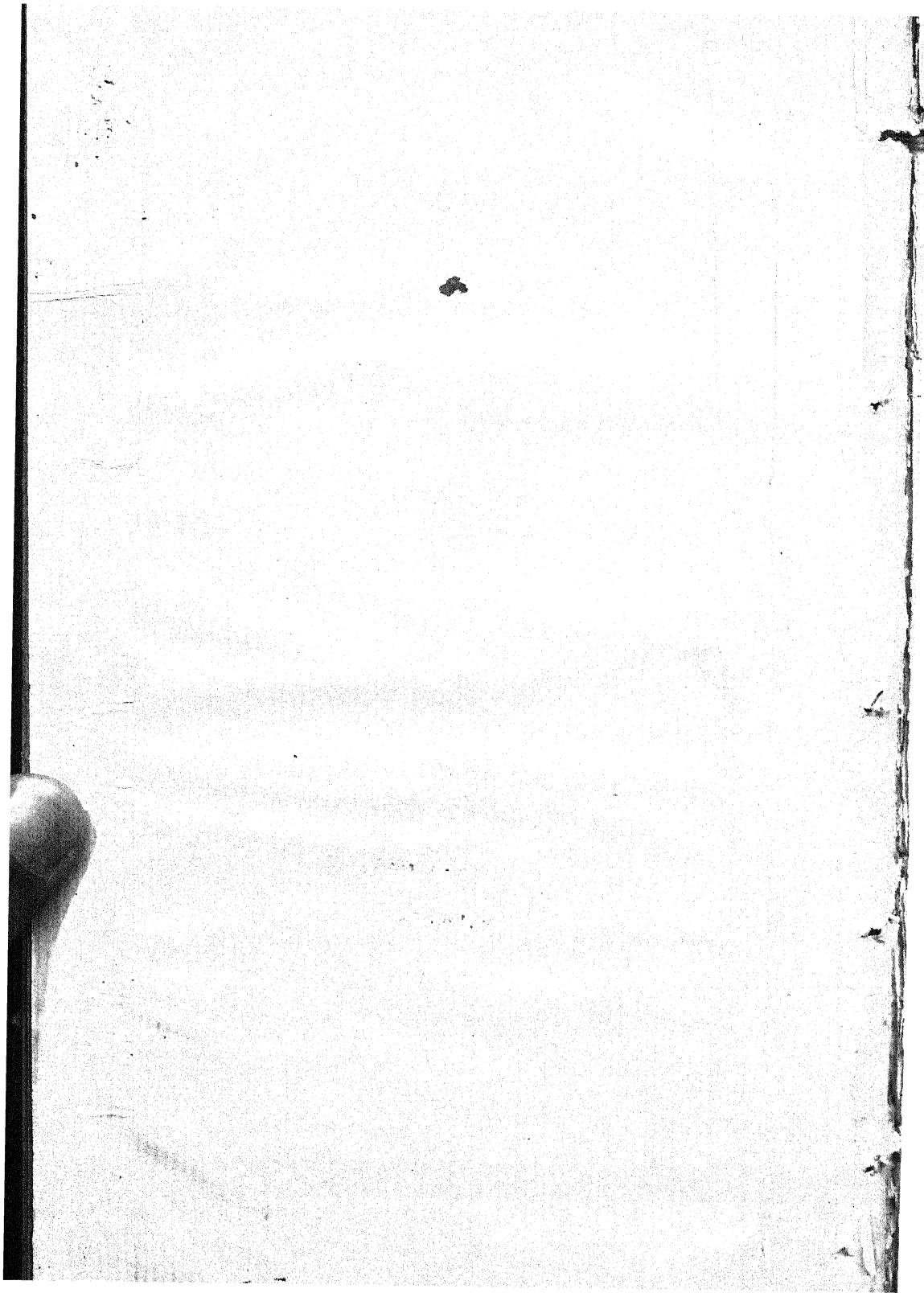


POLICE ADMINISTRATION



POLICE ADMINISTRATION

Series Editor

T. N. CHATURVEDI

Volume Editor

S. VENUGOPAL RAO



INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
INDRAPRASTHA ESTATE, RING ROAD, NEW DELHI-110002

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Series Editor's Introduction

The problems of police administration in a developing country are varied and complex in nature. These problems get further accentuated because of the historical background of colonial rule and the distrust generated as a result thereof between the police which symbolises the visible authority and the people in general. One of the biggest dilemmas that faces us in our country which was at one time or the other under foreign domination, is as to how this chasm between the citizens and the police can be bridged or at least narrowed. A democratic country has also the logic of the increasing expectations of the people who want better performance from the police in respect of its well-recognised duty of maintenance of law and order in society. Thus the problems of capability assume greater importance. In such countries another problem is the pressure for increasing the measures of social welfare through legislation and for accelerating the pace of development. The attempts at the implementation of social welfare measures add new responsibilities to the police functioning. The very nature of the development process, while it tries to contain and resolve the prevailing tensions also gives rise to new tensions and causes for friction. This is all the more so in a pluralistic and fragmented society with ethnic and regional disparities as well as cultural diversities. The question of socio-economic justice makes a serious impact on the law and order concepts and situations. In most of the developing countries in the world, the police is faced with such problems and is very often under attack due to its inability to cope with them. (The police in this country also is caught in the web of such a perplexing situation. It is in the fitness of things that in our country and in many other developing countries more and more attention should be given as to how the capability and effectiveness of the police can be increased within the parameters of the democratic framework. The role and relationship of the police and the society are subjects of perennial interest and importance.)

This ^{series} volume is concerned with the various aspects of the police administration and deals with some of the important issues in the area. It provides a panoramic and analytical perspective of the working of the police in the country. Prof. Venugopal Rao has provided a perceptive introduction in the light of his own experience and study. The ^{series} ~~articles~~ in the volume relate to the relationship of the magistracy and the police,

the problems of city police management and the adequacy for the police commissioner system, the question of redressal of the grievances of the police, the socio-cultural dimensions of police working, the various angles of police reform and issues of police accountability and so on. Most of these problems have been discussed in the historical and sociological background. (One important problem is also that of the machinery for attending to the grievances of the public against the police.)

The question of alternative models for the police is very often raised but the experience of the past cannot be altogether overlooked. It is also to be realised that the organisational and institutional structures cannot always be expected to deliver the goods. The police improvements do not consist only in changing the so called dual control since some external control will in any case be required. Similarly, however well-conceived the legal provisions may be, they may not suffice because of the dynamics of change and democratic compulsions. It is, however, to be realised that the institutional and organisational structures must have the necessary resilience to meet the challenges that arise from time to time. But this necessarily requires that personnel policies, training and attitudinal orientation are improved. The limitations of the political system have also to be kept in view. It has to be realised that the denigration of the law and order machinery without paying any heed to its problems and limitations, is only to undermine the very basis of authority. It may also unfortunately undermine the perception and the sense of self-respect which this machinery must have if it is to function effectively in the midst of conflicting interests and pressures. This also emphasises the need for a modicum of self-regulation on the part of the democratic system in its relationship and impact on administration especially that of the police. (No progress is possible unless there is a sense of security; hence police work is as valuable as any other developmental project work. It is not meant to be a plea for diluting the need for democratic control and accountability of the police. It is only essential that the problems of police-motivations and morale, both at lower and higher levels, do not get adversely affected as that is ultimately dysfunctional from the view point of police-society interface.) It cannot be forgotten that the police force is not only administratively a part of the society but also shares the values and aspirations as citizens of that society. If this integral relationship can be properly comprehended, there will be better environment for the police to function and there will not be many reasons for lack of rapport between the police and the people whom the former seeks to serve. (There is no doubt that the police, as other organs of administration, has to be increasingly sensitised to the needs and reactions of the people, while a simultaneous effort to ensure that the police develops as an efficient purposive and self-respecting

force immune to both political abuse and politically motivated criticism must be launched.)

(The need of police modernisation can hardly be over-emphasised.) The change of the nature of the crime as well as society makes it imperative. It is evident now that very often crime flourishes in places and among sections of the people, normally no body will suspect. The affluence and nexus of crime also enable it to commandeer not only better means of communication but also the best of legal aids. That is why it is essential that the nature of the police functioning is improved in such a way that it inspires the confidence through its effectiveness as well as approach. The paucity of resources for an optimal exercise in this direction is a big constraint. Another important factor which sometimes gets ignored is that it is absolutely impractical that for the prevention of crime only the police is responsible. The police is a part and parcel of the criminal justice system. The social milieu, the legal system and the judicial attitude or approach, the penal institutions as well as the voluntary organisations have a very determining impact. While making a plea for judicial activism, one has also to be cognisant of the limitations of society and of the means and resources made available to the police.)

The improvement of the police functioning is a national responsibility as in the long run it is the confidence of the people which will act as the guardian of the interests of the police as well as its effectiveness. The ³⁰⁴articles included in this volume which have been chosen from the articles relating to the police and law and order that have appeared in the *IJPA* during the last 25 years provide a deep insight in to many of the police problems and raise various issues for public debate and edification. The introduction to the volume makes an attempt to round up the issues raised and give an overall picture and indicate various possibilities. We may not find ourselves in agreement always with either the exposition or the diagnosis and remedies prescribed by the contributors of the articles, but we have no doubt that a study of this volume will be a rewarding experience to the policy-makers and others connected with the police working as well as to the students and experts who are interested in the research and exploration of this vital field of public administration. Prof. Venugopal Rao who has written a stimulating introduction and the contributors merit our thanks and we hope that this volume will serve the purpose which we have in view.



Volume Editor's Introduction

This volume on Police Administration attempts to analyse the basic character of police work in contemporary India and relate it to the community with which it is deeply involved. In presenting this collection of selected writings of eminent policemen, administrators and scholars, the object is not so much to provide insights into operational perplexities of the police in a society committed to a democratic order as to turn the focus on the major issues which are sequential to the above commitment and which are bound to be crucial to the evolution of our future polity.

(No other executive arm of the state has come in for greater obloquy than the Indian police system in the seventies. The political developments which convulsed the decade, the high visibility of the organisation, the intensification of social tensions and the aberrations in the system's performance in divergent settings and situations have led to a persistent questioning of the current styles of law-enforcement and a quest for alternative models. It is, therefore, a matter of national concern that major areas of controversy are identified and placed in clear perspective for the formulation of a meaningful policy of reform.)

It would, however, be erroneous to view the problem as one which has suddenly erupted. It has been with us since the time (the formal structure of the police was developed by the British on foundations of the Indian Police Act of 1861.) Despite the colonial nuances of the system, it must be conceded that the organisational inadequacies of the police had been the subject of ~~extended discussions~~ covering the span of nearly a century, reflecting the innate sense of dissatisfaction with it. An overwhelming and entirely new dimension was added when the country became independent and opted for a democratic form of government and an egalitarian society. Implicit in this development is the fact that the police role has changed from one of statitism to an agency of change as well. This was indeed the main thrust of most of the state police commissions which articulated the need for converting a purely coercive instrument into a service-oriented organisation appropriate for a liberated society hungering for social justice.

Reform, or call it by any name—reorganisation, restructuring or revitalization—is an integral part of the process of change and there can be no finality to it. Human organisations can survive only if they

are capable of readjustment to the changes in socio-cultural environment. It is the element of staticity and insensitivity to external environmental inputs which makes the system's credibility suspect. At the same time, reform engenders hostility both externally and internally. It is a part of historical experience that organisations and institutions develop interests to which change poses a threat and generates attitudes which retard the process of reform. If these attitudes reinforce bureaucratic proclivity to adhocism in problem-solving, organisations retain their staticity with a show of peripheral innovations which are euphemistically designated as reforms. (It is thus not the lack of identification of the endemic ills and deficiencies of the police as it evolved from its colonial origins which had deterred reform: more often it was the organisational inertia and the absence of political will and foresight which have contributed to the present *impasse*.)

In a recent cross-cultural study of the limits of police reform, David Bayley propounded a series of hypotheses of which the following may be mentioned:

- (i) Organised citizen assistance to the police will be easier to achieve in statist than in non-statist countries;
- (ii) Countries with inquisitorial criminal justice traditions will have more harmonious relations among police, prosecutors and judges than countries with adversarial traditions; and
- (iii) Police morale is directly proportional to public attitudes of respect for authority.

To the discerning reader, these assumptions may appear neither profound nor novel, but they do stress the importance of cultural dimensions as limiting factors of police reform. (The police system is not an autonomous entity; it is an integral part of the criminal justice system, and in a wider perspective, the self-regulatory part of society itself. Reform and reorganisation, therefore, have to be consistently related to the socio-cultural milieu in which the system operates.) I have thought fit to highlight this feature because it is part of the popular myth that police performance can be substantially improved through physical inputs and induction of science and technology. The need for them is not questioned, but it is necessary to bear in mind that the police is entrusted with the sensitive task of regulating human behaviour according to constantly changing norms and values which makes the human element in the organisation itself extremely critical. Most of our contemporary perplexities have arisen from the continued neglect of this aspect of policing.

The problem of dual control of law and order administration has been debated endlessly and what Haridwar Rai brings out in his able

presentation of the two faces of this controversy has to be viewed in the context of political developments and the need for realignment of the administrative machinery. It is significant that the debate is confined mainly to the district level of administration although in some states the principle is sought to be extended to higher levels also. The existing system was designed primarily due to the geographical distance of the districts from the centre of power. In an age of sparse communications, the arrangement whereby the Collector was vested with 'general functional control' over the Superintendent of Police was perhaps inescapable in relation to the limited objectives of a repressive colonial regime, but the concept of 'integrated field administration' which Rai puts forward has little meaning in the light of separation of the judicial and executive functions which were earlier concentrated in a single authority.)

Rai has supporters and detractors well equipped in their armoury of arguments. (S.S. Dhanoa) in 'Police Administration: Its Challenges and Prospects' accepts the complexities facing the police in a democratic form of government, but (his analysis that dual control of the police 'has successfully preserved the trust and confidence of the people at large in the impartiality and fairness of the administration' is open to question). (Taking the opposite stand, Sharma and Singhvi argue that superimposition of an outsider at the intermediate level introduces a 'substantially chaotic element into the organisation'. The compulsions of a colonial regime which opted for an extremely complex system of dual control are no longer operative, and the arguments put forth by Rai as well as his critics, drawing for their support the deliberations which preceded the arrangement, are merely of academic interest to the police historian. (What the controversy raises is the vital issue of accountability, that an executive arm of the state endowed with coercive and regulatory power should function within a proper framework of checks and balances.)

In the zeal and commitment for their own options, the protagonists have not given due consideration to alternative models. (Since it is accepted that a district is still the most viable and convenient unit of administration, the major question which will continue to dominate is whether there is a genuine need for devising a pattern of accountability at intermediate levels and if so to whom. The answerability of the police to law in particular the citizens in general strikes as the most reasonable, but when we come to the second of these, we are beleaguered by myriad doubts and fears. The immunization of the police from 'political pressures' is not as easy as it sounds, but the controversy has to be taken out of the realm of inter-service status equations and placed in a higher perspective of police role performance in a democratic order.)

Image studies have been comparatively few in the Indian context. Prabhu Datta Sharma's 'Perspectives on Indian Police' is a pioneering contribution to the police literature in the country as an exercise in identification of areas of divergence in self and public perception. While policemen 'refuse to accept the widely shared beliefs about their behaviour obtaining amongst other sections and professions of Indian society', the author assumes that the common man's prejudices against the police are 'neither rooted in objective realities nor have they any basis in empirical rationality'. The truth lies in-between these two extremities.

Although it can be argued that image construction is based on trivials and not vitals, it would be a serious error to ignore that the citizen's perception of the police is moulded to a remarkable extent by trivials which are vitals to him. G.C. Singhvi's paper 'Citizens' Grievances Against the Police: Dimensions and Strategies' goes straight into the heart of the matter. He identifies the specific areas in which public distrust of the police is generated—and these are not certainly trivial and cannot be wished away. But how can these sources of public dissatisfaction be eliminated except through radical improvement in the tone of police administration which is linked to its organisational model and personnel policy? We shall revert to this later, but his suggestion for enunciation of a national police policy deserves earnest consideration.

The remaining papers in the volume dwell upon specific structural deficiencies and problems of management. Anandswarup Gupta provides the historical perspective to the contemporary ills and ascribes them to old thinking which created a police force the bulk of which was composed of 'illiterate, unskilled workers' from whom it is wishful to expect the qualities of empathy, understanding and integrity which the people wish their police to possess. Although the British and Indian organisational models have many features of similarity, it is in the development of individual personality of the constable that serious divergences had occurred. As early as in 1919, the Desborough Committee in England accepted that 'a policeman has responsibilities and obligations which are peculiar to his calling and distinguish him from other public servants'. While the British Bobby grew up in this tradition which was further strengthened by the Oaksey Committee of 1949, the Indian counterpart remained a non-participative cog in an impersonal machinery.

In a descriptive account of 'Police Administration in the States', P.D. Sharma touches upon the same point as a matter of 'personnel pathology'. To him, the 'meagre effort to work out the personnel needs and job-charting of the policemen and the disconcerting absence of vertical mobility in the organisation pre-empted healthy management and goal fulfilment. He ascribes the present state of disarray and

disaffection to the distance between various ranks which makes participative management almost impossible.

The impact of urbanization on the police forms the subject of Mohit Bhattacharya's 'City Police Management'. It touches obliquely on the DM-SP relationship which disintegrates in urban settings where police problems are highly complicated by virtue of the nature of clientele it has to serve and demand unity of command and action in the interests of adequate response to crisis situations. The urbanization process itself calls for higher managerial talent and more compellingly, the conversion of a traditionally 'reactive' organization into a 'proactive' one. It is noteworthy that although the Commissionerate system of policing was introduced in the three Presidency towns long ago by the British themselves, there was conspicuous reluctance to extend the principle to other metropolitan towns. Bhattacharya's analysis makes an irresistible plea for introducing the Commissionerate system not only in all state capitals but in all cities whose growth and expansion have been phenomenal. The experience of Maharashtra in regard to the functioning of the system in Nagpur and Pune, although removed from the seat of the government, has not disclosed any untoward distortions.

In an interesting paper 'To Whom Should the Police be Responsible?', G.C. Singhvi reverts to the problem of police accountability on a different plane. It deals with one of the most important facets of police work—prosecution. Following the separation of the judiciary from the executive, the author presents a working model in which 'the judicial function comprising investigation and prosecution should be separated from the police and placed under some authority which is independent of the executive'. Carrying the argument further, Singhvi suggests the creation of an independent department of public prosecutions under a Supreme Prosecutor General and centralization of criminal investigations as a Union responsibility. Apart from the constitutional issues involved in the suggestion, it is difficult to visualize any police organization divesting itself of its major functions of prevention and investigation of crime apart from order maintenance. There can be no two opinions regarding the need for higher degree of specialization in the investigation of crime in modern society, and to this extent, some amount of separation of investigation and order branches of the police system is imperative, but it is good to recognize that criminal investigations cannot be pursued in a vacuum, and they are related howsoever tenuously with the order maintenance and preventive functions of the police. The separation of prosecution stands on a different footing. There are arguments equally strong for and against it. While the object of investigation is to ascertain truth, it loses its rationale if it does not carry its function to the logical end of efficient prosecution once truth is ascertained. The need for objectivity and independence in the pre-

sentation of evidence cannot be questioned, and if the present system is inadequate, alternative models of a prosecution machinery deserve to be studied. But the structure of reorganisation suggested by the author may be more counterproductive than useful and workable.

In 'Socio-Cultural Dimensions of Police Administration', Harshad R. Trivedi deals with one of the most important areas which has not received sufficient attention from scholars, viz., the socio-cultural background of policemen. Drawing a theoretical model from Pitirim Sorokin's conceptualization of culture, he classifies police personnel at various hierarchical levels into different cultural types and attempts to explain their behavioural patterns. In a pluralistic society facing a progressive intensification of class, caste, and communal ethnic tensions, it goes without saying that the law-enforcement agency should function with unimpeachable sense of fairness. A police organisation must, therefore, reflect the cultural composition of the society in which it operates as the major instrument of conflict resolution and suppression to enable the development of a broader secular perspective of their role.

Shriram Maheshwari's historical survey of 'Unionism in the Police' was written before the police services in the country were rocked by what is perhaps the most serious outburst of indiscipline bordering on virtual rebellion in the middle of 1979. In a perspicacious and almost prophetic assessment, the author correctly ascribed the simmering discontent in the police to the bureaucratic attitude of taking the policemen for granted despite their social stigmatization, political interference and unrewarding service conditions in a socio-political milieu which exemplified agitational approach as the only practical means of redressal of grievances. The paper projects the unattractive nature of police vocation and calls for establishing an effective machinery on the lines of Whitley Councils in Britain. In retrospect, one cannot but express a deep sense of regret that serious notice was not taken of this perceptive analysis before the sands had run out.

Finally, the concluding paper sums up the compulsions and contradictions of the service as they emerged in the contemporary setting. It generates a series of propositions relating to the limits of police autonomy, the scope and concept of political neutrality, higher management and legal constraints. In short, it is overview of most of the basic issues which have been discussed in the preceding papers and attempts an objective assessment.

In the past, policing was no doubt an exacting profession given the physical hazards, but it was not complex in a colonial setting when the policeman's tasks brought him rarely into contact with people who were intellectually, socially and economically higher than him. The socio-political developments during the last three decades have completely

changed the situation. The papers in this volume, touching upon the diverse facets of policing in a society struggling to evolve a viable democratic political order in the midst of conflicting interests, highlight two important features. The first is the element of stigmatization of the police which has not only historical roots but is closely related to the nature of police work which is surrounded by an air of mystery and distrust. Secondly, policemen who are called upon to deal with sensitive and subtle human conflicts which have often far-reaching legal and ethical implications are, by and large, recruited and organised in such a manner that they are nowhere near the state of perception of those subtleties. All the perplexities, dilemmas and fears which have been presented with a profound scholarship and forensic skill are the direct consequences of these two major characteristics of police work and underline the need for urgent reform.

S. VENUGOPAL RAO

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Dual Control of Law and Order Administration in India : A Study in Magistracy and Police Relationship*

Haridwar Rai

THE DISTRICT officer as district magistrate is the chief executive authority in the district. In this capacity, he is responsible for maintaining the public peace, tranquillity and order and administering criminal justice in the district. The district police and magistracy function under his supervision and control for the purpose. He is the coordinator and motive power of these two organs of the criminal administration. The prevention and detection of crime and trial of wrong doers are the conjoint statutory duty of the two under the harmonising influence and unified direction of the district magistrate.

The district police force functions as the executive arm of the district magistrate. It is an organised civil force representing the concept and practice of the maintenance of public peace, safety and seemly order, and denoting the operative agency for ensuring these essentials of a civilized living. To this end, the police invested, under the law, with protective, detective and restrictive powers of wide ramifications touching the liberties of citizens at innumerable points in their lives. They are given wide powers of arrest with or without the warrant of a magistrate, as the case may be. They have been charged with the duty to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances, to apprehend and detect offenders and to bring them to justice. They have to obey and execute orders and warrants lawfully issued to them by a competent authority. They can lay any information before a magistrate and obtain summonses, warrants, search warrants and other legal processes against offenders. The district superintendent

*From *Indian Journal of Public Administration*, Vol. XIII, No. 1, 1967, pp. 43-64.

of police can be vested with powers to regulate public assemblies and processions. The police have to keep order on the public roads, in the public streets and at all other places of public resort. They have been empowered to take steps to prevent obstructions, inconvenience, annoyance, risk, danger or damage to the members of the public. Thus, the police work is basically a law enforcement calling.

The head of the police force in the district is the superintendent of police, a member of the Indian police service, who works under the general control and direction of the district magistrate. The latter, as head of the criminal administration and responsible for its efficiency, controls and directs the police, and can make such dispositions of the force, in consultation with the superintendent of police, as are needed for the maintenance of law and order and the control of crime. The superintendent of police is responsible for the efficiency and good behaviour of the district police, for all matters concerning its internal economy and management and for the proper performance of all its preventive and executive functions. It is his duty to keep the district magistrate fully informed, both by personal conference and special reports, of all matters of importance affecting the peace of the district and the state of crime. The district magistrate exercises "general functional control" over the superintendent of police. The latter exercises "organisational and professional control" over the police force. This arrangement is grounded in the system of dual supervision of the criminal administration and has been a subject of long-drawn debate in the history of Indian administration.

HISTORICAL BACKGROUND

Before the transfer of the government to the crown, the criminal administration was in a chaotic condition. The police was often oppressive, inefficient, and corrupt. "In the greater part of British India", to quote John Strachey "the criminal law and procedure were a jumble based on the old Mohammedan law, eked out and rendered tolerable by the regulations and Act of our own government, by fragments of English law, and by the decisions and instructions of the superior courts".¹ The enactments in 1859 of the Civil Procedure Code, in 1860 of the Indian Penal Code, followed in 1861 by that of the Police Act and the Criminal Procedure Code, were among the first fruits of the new period. The last three laws unified and simplified the criminal law and defined the duties of the magistracy and the police. The Police Act was the first important step to deal with the difficult problem of the police. The Criminal Procedure Code of 1861, as amended

¹John Strachey, *India, Its Administration and Progress*, London, Macmillan, 1903, p. 92.

in 1898, has remained basically unchanged.² "Among all the laws of India" says Strachey "there is no one more important than this, which regulates the machinery by which peace and order are maintained, and by which crime is prevented and punished."³ The judicial-cum-police functions of the district officer as defined in these enactments continue practically unchanged even after independence.

Re-organisation and improvement of the police was an important concern to which the British Government in India turned its attention after the 'Mutiny'. In 1860, a commission consisting of representatives from each of the six provinces was appointed to consider and report on the whole question. They were instructed to devise a scheme which would ensure that the police organisation was centralised in the hands of the executive government. A section of the instructions contained the following propositions:

The working police having its own officers exclusively engaged to their own duties in preventing or detecting crime, the question is, at what link in the chain of subordination between the highest and lowest officers in the executive administration, is the police to be attached and so made responsible as well as subordinate to all above that link in the chain? The great object being to keep the judicial and police functions quite distinct, the most perfect organisation is, no doubt, when the police is subordinated to none but that officer in the executive government who is absolved from the judicial duty, or at least from all duty involving original jurisdiction... This raises the question—who is to be responsible for the peace of the district? Clearly that officer, whoever he may be, to whom the police are immediately responsible, under him it is the duty of every police officer and of every magisterial officer, of whatever grade, in their several charges, to keep him informed of all matters affecting the public peace and the prevention and detection of crime. It is his duty to see that both classes of officers work together for this end; as both are subordinate to him, he ought to be able to ensure their combined action...⁴

The intention of the government in placing police and magisterial officers, of all grades and descriptions, under the chief executive officer of the district, and making the latter solely responsible for the

²Act V of Cr.P.C. as amended in 1898.

³John Strachey, *op. cit.*, p. 99.

⁴See P. C. Mitter, *The Question of Judicial and Executive Separation and Better Training of Judicial Officers*, Part IV, Calcutta, Elms Press, 1913. See also, P.C. Rayed, ed. *The Separation of Judicial from Executive Duties in British India*, Calcutta, City Book Society, 1903.

maintenance of peace and the prevention and detection of crime, was quite clear from the instructions.) The commission, in its report, suggested that in every district under the jurisdiction of one magistrate there should be at least one European officer of police, to be styled district superintendent of police, who should be departmentally subordinate to the inspector-general of police in every matter relating to the interior economy and good management of the force, and efficient performance of every police duty. The commission, nevertheless, declared that the district superintendent of police should be bound also to obey the orders of the district officer in all matters relating to the prevention of crime, the preservation of the peace and other executive police duties, and responsible to him likewise for the efficiency with which the force performed its duty.

(Though the commission favoured a complete severance of executive police from judicial authorities, they made an exception in the case of the district officer, as a matter of practical and temporary convenience, in view of "the constitution of the official agency" then existing in the country. They observed:

The magistrates have long been, in the eye of the law, executive officers having a general supervising authority, in the matters of police, originally without extensive judicial powers. In some parts of India this original function of the magistrates has not been widely departed from, in other parts extensive judicial powers have superadded to their original and proper function... it is impracticable to relieve the magistrates of their judicial duties, and on the other hand it is at present "inexpedient to deprive the police and the public of the valuable aid and supervision of the district officer in the general management of police matters."⁵)

Origin of the System of Dual Supervision

(The commission recommended that the district officer should be recognised as the principal controlling officer in the police administration of his district and that the civil constabulary, under its own officers, should be responsible to him, and work under his orders, for the executive police administration. It felt that this departure from the principle of separation would be less objectionable in practice when the executive police was kept departmentally distinct and subordinate to its own officers, and constituted a special agency having no judicial function. It made it absolutely clear, however, that "the

⁵ *Report of the Bihar and Orissa Committee appointed to Formulate a Scheme for the Separation of Judicial and Executive Functions*, 1922, App. A., Patna, Government Printing Press, 1922. See also, Paragraph 9 of the Memorial submitted to the Secretary of State on July 1, 1899, in P. C. Mitter, *op. cit.*, Part IV.

district officer is the lowest grade in whom judicial and police functions should be united, and that, therefore, officers below that grade who exercise double functions should be relieved of one of the functions".⁶

These proposals were embodied in the Police Act of 1861. Section 4 of the Act read:

The administration of the police throughout a general police district shall be vested in an officer to be styled the inspector-general of police, and in such deputy inspectors-general and assistant inspectors-general as the local government shall deem fit.

The administration of the police throughout the local jurisdiction of the Magistrate of the district shall, under the general control and direction of such magistrate, be vested in a district superintendent and such assistant district superintendents as the local government shall consider necessary.⁷

It is evident that the responsibility for the administration of the police vested in the superintendent of police under the general control and direction of the district magistrate. The intention of this provision may be best understood by reference to sections 7 and 12 of the Act. Section 7 placed all appointments in the hands of the inspector-general of police, the deputy inspectors-general of police, the assistant inspectors-general of police and the superintendents of police "under such rules as the local government shall from time to time sanction". Section 12 gave wide powers of making rules to the inspector-general for the organisation, classification and distribution of the force and its equipment and work, and of issuing all orders and rules for preventing abuse and neglect of duty and for rendering the force efficient in the discharge of its duties, "subject to the approval of the local government".

Thus, under the provision of the Act, the powers of appointment, suspension, reduction and dismissal of subordinates were vested in the superintendent of police working under the final authority of the inspector-general and his deputies. In respect of maintaining discipline in the police force, the superintendent of police was not to be responsible to the district magistrate. He was to be "under the general control and direction" of the latter only in detecting and preventing crime. But the district magistrate tried criminal cases also and, therefore, he exercised double functions. This arrangement appeared to many to be the adoption of the principle of separating criminal justice from police work,

⁶*Report of the Bihar and Orissa Committee, op. cit.*

⁷See Section 4 of Act V of 1861.

at least below the level of the district magistrate, in the administration of the district.⁸

It is clear from the provisions of the Police Act that the intention was that for maintaining discipline in the police force in the district, the superintendent of police was to be exclusively responsible. But the police force to be "an efficient instrument at the disposal of the district magistrate for the prevention and detection of crime", was to be under his "general control and direction". This organisation of the police force under the discipline of its own officers was intended to separate "the preventive and investigating agency from the authority which tries and punishes criminals".⁹ It was, in a sense, the adoption of the principle of separating criminal justice from police work in the criminal administration of the district. The district magistrate and the superintendent of police were intended to be what Curry terms, "an interesting duumvirate". They were to be jointly responsible for the peace and good order in the district, discharging "separate functions designed to serve the common purpose".¹⁰ The general control and direction of the district magistrate over the work of the superintendent of police was felt to be essential to preserve his responsibility for "the general success of the criminal administration of the district, and to afford him prompt means of ensuring the obedience of organised constabulary to his lawful orders".¹¹ The *general supervision* of the district magistrate, it seems, was not intended to assume the character of a constant interference in *departmental economy*.

Nullification of Dual Control

But this arrangement, as contemplated by the Act, could not be carried out because the members of civil service did not appreciate the separation of police work from district and divisional executive agencies. They were afraid the step would reduce the powers of the commissioner and the district magistrate in the field of the criminal administration and would weaken their authority insofar as it was needed for the collection of land revenue. They found strong supporters in John Lawrence, the governor-general, and George Campbell, the lieutenant-governor of Bengal, both of whom believed in the paternal

⁸A Bengal Civilian of those days refers to the fact that the higher officers of the police down to the assistant superintendents "loudly proclaimed the opinion that the power of the Magistrates was an end, and that they were going to rule in their stead". See John Beames, *Memoirs of A Bengal Civilian*, Philip Mason (Ed.), London, Chatto & Windus, 1961, p. 142.

⁹J.C. Curry, *The Indian Police*, London, Faber & Faber, 1932, p. 18.

¹⁰*Ibid.*

¹¹*Report of the Indian Police Commission, 1902-03*, Simla, Government Central Printing Office, 1908, p. 79.

form of government. John Lawrence felt that the effect of the Police Act had been more or less to divide the authority of the district magistrate, and in some cases almost totally to subvert it. He agreed with the majority of the civil officer that the district magistrate should be vested with absolute control over the police.¹² He was a firm advocate of complete concentration of magisterial and executive duties in the hands of the district officer. He wanted to make the district officer "a kind of terrestrial providence"¹³ and the "immediate instrument of rule."¹⁴ His motto was that the district officer as the symbol of rule must represent the sovereign power, must be the sole ruler in his locality, must be ubiquitous, and must know everything affecting the welfare of the people.¹⁵

George Campbell, lieutenant-governor of Bengal (1871-1874), was even more determined to bring the police completely under the authority of the district magistrate. He had implicit faith in the divine despotism of the covenanted civil service, and was opposed to any administrative arrangement which kept an important department like the police under a system of dual control. He wanted to devise a system of control which would make the police completely subordinate to the district-magistrate for all purposes. He issued rules regarding police procedure in criminal cases, impressing upon the police that they were the 'hands' of the district magistrate, and 'the proper agency' to be used by him for all purposes connected with the peace, order and conservancy of the district, the regulation of public meetings, and other matters of district management. The district magistrate was to receive from the police active and loyal assistance, while being at the same time responsible for their proper employment. He further ordered that the district magistrate must be consulted in regard to the appointment and promotion of the police. He promulgated a set of rules which prohibited the district superintendent of police from corresponding direct with the inspector-general of police or his deputies. Besides, all matters, except accounts and returns, were ordered to be sent through the district magistrate, except when during his absence, he had given orders to forward any particular case.¹⁶ Thus, he struck at the root of the system of dual control envisaged by the Police Act of 1861,

¹²Dharm Pal, *Administration of Sir John Lawrence in India, 1864-1869*, Simla, Minerva Book Shop, 1958, p. 22.

¹³R.B. Smith, *Life of Lord Lawrence* (Vol. II), London, Smith, Elder & Co., 1883, p. 53.

¹⁴Michael Edwardes, *The Necessary Hell*, London, Cassell, 1958, p. 58.

¹⁵John Beames, *op. cit.*, p. 102.

¹⁶C.E. Buckland, *Bengal Under the Lieutenant-Governors* (Vol. I), Calcutta, S.K. Lahiri, 1901, pp. 537-38. See also, Sir George Campbell, *Memoirs of My Indian Career*, Sir Charles E. Bernard (Ed.), Vol. II, London, Macmillan, 1893, pp. 246 *et seq.*

reducing the police to an agency of the office of the district magistrate.

This system of control continued to operate until it was found that it was a deviation from the principle laid down in the Police Act of 1861. The Police Commission (1902-1903) complained that district magistrates in Bengal, Bihar and Orissa took resort to "a degree of interference" in the administration of the police department "which the law did not contemplate, and which has often been most prejudicial to the interests of the department".¹⁷ It observed that though the law left appointments in the police department to be made by the officers of the department, the power was to be exercised under rules to be made by the local government. The result of those rules as framed by the local government was that the appointment of constables became subject to the district magistrate's veto, and that of any officer above the rank of constable could not be made without the approval of the district magistrate being previously obtained. The law left punishment to be regulated by rules to be made by the inspector-general of police, subject to the approval of the local government; but the rules of most provinces, particularly of Bengal, prescribed appeals not to departmental superiors but to the district magistrate and commissioner; even a constable could not be reduced by the superintendent without an appeal to the district magistrate.

The police commission further found that the police manuals of most of the provinces spoke of the district magistrate as "entirely responsible for the peace and criminal administration of the district", and of the superintendent of police as "his assistant for police duties, and, as such, bound to carry out his orders". This, the commission felt, weakened the influence of the superintendent, was prejudicial to discipline in the police force, and tended to destroy the superintendent's sense of responsibility and his interest in his work. They held that matters like disciplinary arrangements of the district police, appointment, promotion, and punishment of subordinate police officers should be left mainly with the officers of the police department.¹⁸

Revival of the Dual Pattern of Relationship

The pattern of relationship that the police commission contemplated was that the superintendent of police was the head of the police in the district. Though he must carry out all the lawful orders of the district magistrate, he was not his assistant in the sense in which an assistant collector was. He was not to be treated in such a way that deprived him of influence over his own men and of interests in

¹⁷*Report of the Indian Police Commission (1902-1903), op. cit., p. 79.*

¹⁸*Ibid.*, pp. 79-88.

his work. He was to be under the general supervision and control of the district magistrate. He was to be advised, and reported, if recalcitrant. Unwise and unjust punishments were to be checked and improper appointments were to be prevented. The district magistrate was rarely, and only of necessity, to interfere in ordinary police work or in investigation; but the discretion was to be left to him as to when interference was necessary. At the same time, the commission insisted on "the subordination of the police force to the district magistrate who is responsible for the criminal administration of the district and for the preservation of the public peace". "The district magistrate" it added, "must be kept informed of the progress of criminal administration. The important diaries which are sent to him, and the fact that all arrests have to be reported to him, go far to secure his being kept informed. His own tours and his accessibility to the people of all parts of the district are also the most valuable means of keeping him informed of all that goes on." The district magistrate's authority in respect of criminal administration in the district was to be maintained because he was the officer "in every way marked out for the discharge of the duties of supervising both the magistracy and the police... He is the connecting link between the executive and judicial functions of the administration".¹⁹

The Government of India passed orders on the police commission report in which they declared that the district magistrate was, and must continue to be, the chief executive authority in the district, and in that capacity was responsible for the peace and good order of his charge; the police must be completely under his control and direction, and he must, subject to the usual control of the commissioner and the government, have unquestioned power to employ them as he thought best for the maintenance of law and order, and the detection and suppression of crime.²⁰ The government orders, however, made it clear that the district magistrate should not interfere in matters of departmental management and discipline, except where the conduct and qualifications of a police officer affected the criminal administration of his district. The government resolution laid down that:

- (a) all matters connected with arms, drill, exercise, and internal discipline should be under the district superintendent of police;
- (b) the appointment, punishment, and dismissal of inspectors and lower police officials should vest in appropriate officers

¹⁹*Report of the Indian Police Commission (1902-1903) op. cit.*, p. 81.

²⁰For the Government orders, see, *Royal Commission Report upon Decentralisation in India* (Vol. I), London, H.M.S.O., 1909, para 546.

- of the police department; but
- (c) the district magistrate should be empowered to direct enquiry into misconduct on the part of police officers;
 - (d) he should also have the power to call on the district superintendent for report on, and for the removal of incompetent subordinates, and to issue orders as to the conduct of particular investigations.²¹

The decentralisation commission, agreeing that the district magistrate should be relieved of "a considerable amount of detailed, and not altogether, appropriate work", declared :

- (i) That the control of the district magistrate over the police for general purposes shall be absolute, and that there shall be no room for doubt as to his full responsibility for the criminal administration of the district.
- (ii) That the enquiry into misconduct on the part of police officers which the district magistrate is empowered to direct, may be carried out, at his discretion, by one of his subordinate magistrates as well as by a police officer.²²

The commission was in favour of empowering the district magistrate to require the transfer of an inspector or a sub-inspector from any one part of his district to another, and emphasised "the necessity of inspection of police stations, and their records, by district and sub-divisional magistrates in the course of their tours". These recommendations recognised the superior status of the district magistrate in the system of dual supervision. As the custodian of law and order, he was responsible for all matters affecting the peace of the district, and exercised general supervision over the local police officers. As head of the criminal administration in the district, he had to be kept informed of the occurrence of serious crimes and of any sudden increase in the volume of crimes as also of all events of importance from the police point of view. He had the power to inspect police stations and to direct his subordinate magistrates to make inspections. No crime could be expunged from the crime registers except under the orders of the district magistrate. He had vast discretionary powers in regard to important police investigations, received the diaries of the superintendent of police, and forwarded them with his confidential remarks to the commissioner. He issued licences for fire-arms and could cancel them in case of a threat of general disorder or large-scale rioting.

²¹*Royal Commission Report, op. cit.*

²²*Ibid.*, 547.

The maintenance of law and order—prevention of disorder as well as its suppression—was the most important, as it was the most anxious, of his duties.²³

The old system of magisterial control and supervision over the police which was based on the Police Act and the Police Manual remains basically unchanged. The district magistrate is head of the criminal administration of the district, is responsible for its efficiency, controls and directs the police, and, where necessary, has powers to make such dispositions of the force, in consultation with the district superintendent of police, as are needed for the maintenance of law and order and the control of crime. The district superintendent is responsible for the efficiency and good behaviour of the district police and is in direct command of the force. He is also responsible for all matters concerning its internal economy and management and for the proper performance of all its preventive and executive functions²⁴. The district magistrate, therefore, cannot interfere under rule 15 of the Police Manual:

1. in matters relating to arming, drill, equipment, exercise or discipline;
2. except as provided in these rules, with the punishment of any police officer by the superintendent; and
3. generally in internal management of the force, except where the conduct, character or qualifications of a police officer affect the criminal administration of the district.²⁵

Subject to rule 15 (3) of the Police Manual, the district magistrate can direct the superintendent of police to furnish him with any documents relating to the conduct or character of any police officer subordinate to the superintendent. He can also direct the superintendent to enquire into any allegation of misconduct or neglect of duty on the part of any police officer subordinate to him. If the district magistrate is not satisfied with the result of such enquiry, he may cause another enquiry to be made, or forward the papers to the range deputy inspector-general with his remarks. If the latter, after any further enquiry he may think necessary, does not accept the views of the district magistrate, he refers the matter to the commissioner, who decides all such cases in consultation with the inspector-general of police. The commissioner is practically the final authority in this

²³Edward Blunt, *The I.C.S. : The Indian Civil Service*, London, Faber & Faber, 1937, p. 111.

²⁴See, *The Bihar and Orissa Police Manual*, 1930 (Vol. I), Patna, Secretariat Press, 1955, Rule 15.

²⁵*Ibid.*

matter. In arriving at a decision, the commissioner is generally guided by the views of the district magistrate. Besides, there is not much scope for divergence of views between the commissioner and the range deputy inspector-general of police, for the former initiates the confidential character roll of the latter.

As head of the criminal administration, the district magistrate keeps himself in touch with the crime situation in the district. He receives fortnightly reports from the superintendent on this matter, and is competent to direct him to submit either general or special reports on any matter connected with crime, the criminal classes, the prevention of disorder, the distribution of police force, etc. But he cannot depute a subordinate magistrate to hold a departmental enquiry. He has to exercise his power of control in such a way as not to weaken the authority of the superintendent or to deprive him of his responsibility. He has, therefore, to avoid the issue of executive orders, as far as possible, until he has consulted the district superintendent of police.²⁶ This is designed to make the latter responsible for the discipline, morale and internal management of the district police force.

The superintendent has to remain in constant personal communication with the district magistrate, whenever possible, and to consult him on all important matters. It is his duty to extend all possible assistance to the district magistrate in the criminal administration of the district. In case of disagreement between the two on any question, the superintendent must carry out the orders of the district magistrate. He can, however, request the district magistrate to refer the point under dispute to the range deputy inspector-general, and if the latter, after any further enquiry he may think necessary, does not accept the district magistrate's views, he has to refer the matter to the commissioner, who decides such cases in consultation with the inspector-general of police.²⁷ This is to ensure the authority of the district magistrate and the divisional commissioner over the police force in matters affecting the general law and order in the district. This establishes the superiority of the general administrative hierarchy over a 'technical' department of the government.

The superintendent of police has to keep the district magistrate fully informed of all matters affecting the peace of the district, and when he is on tour the police officer in charge at headquarters sends to the district magistrate direct all important information which would not reach him soon enough through the superintendent. In order to ensure constant communication between the district magistrate and the superintendent, it has been laid down that whenever the latter is about to

²⁶*The Bihar and Orissa Police Manual, op. cit.*, Rule 18.

²⁷*Ibid.*, Rule 19.

leave the station, he must report his intention to the former specifying, as far as possible, the places at which he may be found from day-to-day. Besides, the district magistrate can ask the superintendent to remain at headquarters if he is satisfied that the presence of the latter is necessary. Nevertheless for doing so, the district magistrate has to give his reasons in writing.²⁸

The district magistrate exercises constant supervision over the prevention and detection of crime, for the proper conduct of which he is ultimately responsible. It is an important part of his duty to inspect the police-stations of his district at regular intervals, or to cause them to be inspected by subordinate magistrates. Though he does not examine the details of the working of the police-station, he has to give special attention to the following :

1. the station diary and the manner in which it is written up;
2. the recording of vital statistics;
3. the proper working of the Arms Act;
4. the method of collecting crop statistics;
5. the working of the rural police;
6. the general state of crime in the police-station and any reasons for its increase or decrease and the extent to which it is under effective control; the investigation and preparation of cases for court and such other aspects of the work of the police-station as affect the court;
7. whether the sub-inspector appears to have a proper knowledge of his duties, whether he is in touch with the respectable inhabitants of his charge, has acquired local knowledge and takes an interest in his work;
8. whether the police-station officials appear to be working properly and have proper knowledge of their duties and the neighbourhood; and
9. whether the police-station has been regularly and properly inspected.²⁹

The district magistrate has powers to get enquiries conducted against police officers, order their transfers and postings within the district, order surveillance proceedings against suspects, offer rewards, inspect the index of crime and guide investigations through his comments on the special reports. If the district magistrate finds in any police officer of or below the rank of inspector marked incompetence or unfitness for the locality in which he is stationed, or unfitness for

²⁸*The Bihar and Orissa Police Manual, op. cit.*, Rule 20.

²⁹*Ibid.*, Rule 21.

his particular duties, he can direct the superintendent to transfer him to another locality or to other duties and to appoint another officer in his place. He issues such orders after consultation with the superintendent. If the district magistrate desires the transfer of an inspector outside the district, he asks the superintendent to move the deputy inspector-general. He may himself refer the matter to the inspector general through the commissioner. Again, if he observes in any police officer above the rank of inspector incompetence or unfitness for the locality in which he is stationed or for his particular duties, he can communicate with the deputy inspector-general, who after paying careful attention to the views of the district-magistrate, may determine the measures to be taken, and may inform the district magistrate of the orders which he passes in the matter. If the district magistrate considers that the action taken by the deputy inspector-general is insufficient or unsuitable, he can refer the matter to the inspector-general through the commissioner.³⁰

The commissioner in Bihar plays an important role in the administration of the police. He exercises supervision and control over the action of the district magistrate in police matters. All orders received from the commissioner either direct or through the district magistrate, are promptly executed. The superintendent reports any such orders, if of an unusual nature, to the deputy inspector-general who if he thinks it necessary, refers the matter to the inspector-general. The deputy inspector-general is expected to see divisional commissioners and district magistrate at frequent intervals, and discuss with them freely measures for the maintenance of the peace and the prevention and detection of crime. Thus, though the Police Act of 1861 did not mention the name of the commissioner nor did it contemplate any role for him in the police administration, he has become, through rules and convention, the head of the police administration in his local charge, and the most important and reliable supplier of information to the government on matters of law and order. The Indian Police Commission made a critical reference to this practice and recommended that divisional commissioners should be relieved of direct interference in the details of police administration and their responsibility should be limited to the duty of supervising and advising the district magistrate.³¹

The district magistrate, as the chief executive authority in the district, is primarily responsible for the criminal administration of the district. Subject to certain restrictions, he exercises 'general functional control'³² over the superintendent of police in particular, and the

³⁰*The Bihar and Orissa Police Manual, op. cit.*, Rule 22.

³¹See, *Report of the Indian Police Commission, 1902-03, op. cit.*, p. 79.

³²See, *Compendium of Circulars and Orders of Appointment Department*, Government of Bihar (Cabinet Secretariat), Patna, Secretariat Press, 1961, p. 214.

An experienced civilian has aptly observed that "great tact is necessary on the part of both... if that cooperation, which is essential for the efficient administration of the district, is to be achieved".⁵⁰ The district magistrate and the superintendent of police have to work as partners and colleagues for a common cause, namely, efficiency, integrity and impartiality in the criminal administration. They will fail if they are guided by petty personal and departmental considerations. What is at stake is the very basis of a civilized existence, that is, peace and good order. They will succeed if they constantly keep in view the broad objective of the good of the people and the high responsibilities attached to their offices. This common interest can be used as a bridge to united effort, even when the short-term interests of the two are, or appear to be, in direct opposition. The following lines of Curry in this connection are worth quoting:

Thus they may easily fail if there is anything of pettiness in their natures. Then again, their functions as to the maintenance of peace are separate, the border-line cannot always be clearly defined. Where two human beings have to take action in concert, a clash of opinions as to ways and means is always possible.⁵¹

In the past, the controversy regarding this arrangement hinged on the anomaly of combining judicial and police functions in the hands of the district magistrate. After the separation of judicial and executive functions, the old arguments have become obsolete. Now, the tenor of arguments is to the effect that the dual system of control tends to impair the authority of the district superintendent of police in relation to the police force and is, therefore, ~~detrimental to the morale and discipline of the force.~~ It is further argued that this kind of control tends to blur responsibility and leads to duplication, waste and delays. These arguments appear to uphold the principle of departmental autonomy as against that of the coordinated and unified functioning of the magistracy and the police under the district magistrate. The protagonists of this point of view are mostly police officers, who are guided by narrow departmental considerations of 'empire-building'. This point of view, however, is not consistent with the traditional system of integrated field administration. It strikes at the root of the unified administrative leadership embodied in the office of the district officer.

As against this, it is found that the supervision of the district

⁵⁰R.D. Macleod, *Impressions of an Indian Civil Servant*, London, H.F. & C. Witherby Ltd., 1958, p. 42.

⁵¹J.C. Curry, *op. cit.*, p. 90.

magistrate over criminal administration resolves conflicts of interests and brings about coordination between various departments involved in it. The district magistrate functions as a buffer between the people and the police and brings his liberalising influence, his executive experience and his awareness of social and political problems to the working of the police which is an organised force and has so far behaved as a rigid and exclusive group of people. Besides, the arrangement is in accord with the traditional system of Indian field administration. It makes for deconcentration, obviating the necessity of higher intervention in normal affairs of criminal administration. In the absence of a local governmental agent of 'tested competence', control and supervision will be concentrated in the state headquarters. Thus, as a result of this arrangement, a single and intelligible 'point of reference' is established which is intended to act both as the symbol of government and personification of human relations and enlightenment—a device intended to humanise the district constabulary. This system of supervision is very popular with those who are responsible for shaping administrative policy in India in view of their continuing fascination for the pyramidal, integrated form of field administration and their 'utter' faith in the superiority of the generalist administrator.

COMMENTS*

I

R. N. Chopra

This controversy has been raging for a long time, and although there is ample support both for and against the *status quo*, the merits of the case appear to be clouded in an excess of departmental fervour, particularly on the part of those who seek to remove 'the general control and direction' of the district magistrate. In order to view this matter in proper perspective, it is essential to examine the need for magisterial control against overall public interests, and if it is adjudged that such control is in public interest, it must be allowed to continue irrespective of any other considerations.

The arguments that are advanced by the supporters of either point of view, tend to be ingenuous and somewhat forced. One view has it that the provisions of the Police Act, 1861 were a temporary expedient designed to meet the situation following the 1857 mutiny and as they are out-dated, they should now be scrapped. This argument

*From *Indian Journal of Public Administration*. Vol. XIV, No. 1, 1968, pp. 153-165.

does not take into consideration the fact that magisterial control over the district police, as a principle, got statutory recognition more than a century ago, and such recognition continues without any change even today. Surely there must be some intrinsic merit in a statutory principle which has remained unaltered during the past hundred years. Would it not be somewhat unrealistic to describe such a provision as a 'temporary expedient'? Moreover, in the recent past, several commissions of inquiry have gone into this question, and all of them have generally supported further continuance of the principle. Similarly, the plea that with the separation of the judiciary from the executive, the police functions of the district magistrate should also be separated, does not take all relevant factors into account. In the separation of the judiciary from the the executive, what has actually been separated is the power of trial of criminal cases. The control of the district magistrate over the executive magistracy has, however, been left intact, and it is this component of the judicial system which is directly responsible for law and order administration. It is true that the district magistrate is no longer able to influence the trial of criminal cases by the subordinate magistracy, but that can never have been the intention of law when it placed him at the head of the criminal administration of the district.

In the Police Science Congress held at Patna in 1960, it was contended that, as a consequence of the abolition of the system of zamindaris, the collector's involvement in land disputes had made it impossible for him to remain impartial. It would not, therefore, be proper to let him retain his control over the police administration of the district. This argument appears to equate the zamindar's ownership of land with state ownership. This is a rather narrow view of the collector's role as government's representative where he is primarily concerned with safeguarding the interests of the public as a whole. In this context, his involvement in land disputes cannot be compared with that of the zamindar, who is primarily motivated by self-interest. In any case, as representatives of government, both the collector and superintendent of police have a common objective, viz., public interest, and once this is conceded, it can no longer be argued that the police are better placed than the collector in matters connected with land disputes.

In all fairness, it must be conceded that the supporters of the *status quo* also advance arguments which are not always tenable. Be as it may, any decision on the continuance of the district magistrate's control over the district police must be based only on one consideration, viz., whether there is positive advantage in this arrangement. In examining this question we may differentiate between two aspects of criminal administration, namely: (a) maintenance of law and order; and (b)

prevention and investigation of crime. Even though the district magistrate is generally in charge of criminal administration in its entirety, his influence is more profound in the field of law and order. It would, therefore, be appropriate to examine whether in this field his control of the police is of any advantage.

The criminal administration of the district broadly covers four groups of functions, namely : (a) police; (b) executive magistracy; (c) prosecution branch; and (d) jail administration. If the criminal administration is to function successfully it is essential that its four component parts act in concert as a cohesive whole. In a democratic society, maintenance of law and order often involves questions regarding the fundamental rights of individuals. For example, the right of peaceful agitation is guaranteed by the Constitution; at that stage does an agitation overstep permissible limits and becomes a danger to the maintenance of peace and tranquillity? A decision on such questions can best be taken by an authority, who is not directly involved either as a participant in the dispute or as the agency which may have to put down the agitation. There will be a tendency on the part of the police to look upon this problem solely from the angle of preserving public order; the exercise of civil rights will take a secondary position. Similarly, the agitators will give more importance to their right of peaceful agitation, without much concern for its consequences on the law and order situation. Obviously, therefore, there is need for an authority who can balance both points of view and take a decision on the extent to which a peaceful agitation may be allowed before it degenerates into a law and order problem. Because of his judicial and executive training, sources of information, contact with people of various shades of opinion, etc., the district magistrate is in an unique position, to shoulder this responsibility. He can also co-ordinate the work of all branches of criminal administration so as to make them work as a cohesive whole in the task of maintenance of public order.

It must be conceded that outside law and order administration, the district magistrate is not in a position to exercise effective control over prevention and investigation of crime. For one thing, these matters have become increasingly specialised; for another, the district magistrate's preoccupation with other duties leaves him little time for close supervision of crime work. In spite of this, the balance of advantage appears to lie in the retention of the status quo insofar as it concerns law and order administration. This does not imply any lack of confidence in the superintendent of police and his ability to undertake these tasks. All that is intended is an arrangement which leaves the final decision in law and order matters with a person, who due to various factors, is in a better position to shoulder this responsibility.

than the superintendent of police.

There is one other matter; in most states, the exact relationship between the district magistrate and the superintendent of police has not been clearly defined. The clarity of the provisions of the Bombay Police Act, 1951 which deal with the relationship between these functionaries are, however, a refreshing contrast to the general vagueness prevailing in other states. Such clarity helps in minimizing cases of conflict between the two main functionaries most concerned with law and order administration.

II

S. H. Zaheer

Shri H. Rai's article draws attention to an important aspect of our civil administration, *viz.*, the relationship between the district officer and the district superintendent of police. After some introductory remarks he has gone on to give the historical background, describe the existing system, state the opposing views on the system of dual control, and finally to give a brief assessment. It is somewhat disappointing that Shri Rai's comprehensive survey has not led him to the expression of any positive views on the needs of the present situation.

The historical background, appears in better perspective, if we look back a little beyond the transfer of government to the crown where Shri Rai begins. With the formal grant in 1765 of the Diwani to the East India Company by the Mughal emperor—who had much before that time lost all real authority—the British in India found themselves immediately confronted with the problem of organising some kind of civil administration. Interested primarily in the realisation of revenue the British directed their main attention to revenue matters and very soon placed both the realisation and settlement of the land revenue under British collectors and other superior British officers. On the other hand the police, whose duties included bringing of criminals to justice and maintaining law and order, continued to be left in the hands of the old agencies almost undisturbed until the Police Act in 1861, except that under the Cornwallis Code of 1793 zamindars were divested of their power and responsibility of maintaining peace and their "duties were entrusted to a number of darogas in every district, each working within a defined area under the direct supervision of the magistrate." Herein lies the germ of the district magistrate's authority to control and direct the action of the police and much debate has arisen about the extent and nature of the 'control' *vis-a-vis* the superintendent of police but the basic soundness of the principle has hardly ever been seriously questioned.

III

J. P. Sharma

As a professional policeman, I feel grateful to Shri Haridwar Rai for two reasons: (1) for having chosen to write on a subject which in spite of its considerable importance is virtually unknown to most people in this country, and (2) for providing an illustration of how the issues involved in the question are misunderstood even by knowledgeable persons.

Before proceeding to comment on the views expressed by Shri Rai it would be appropriate to mention a few comparatively lesser known historical facts necessary for a proper appreciation of the matter.

(1) The existing arrangement, no doubt, followed the recommendations of the Police Commission of 1860. There is, however, strong evidence to show that Commission did not have any choice in the matter and that the issue had been predetermined for them by Her Majesty's government. While forwarding their recommendations to the government, the Commission in fact had loudly asserted that they had fully complied with the instructions received.

(2) While replying to the debate on the Police Bill in the Legislative Council on October 6, 1860 Sir H. B. E. Frere, the then Home Member admitted that in principle the police should be independent of the magistrate but defended the proposed arrangement by saying that it was a compromise which was found necessary to be made in India. At the same time he expressed the hope that it would be only a temporary feature.

(3) The idea of the police being independent of the control of the district officer had from the earliest days of the British rule been vehemently opposed by the civil servants who have always wielded tremendous influence in the Government of India. Still there were quite a few Britishers who strongly advocated the principle of the police being independent of magisterial control. In fact, a lively debate on the subject continued even after the Police Act of 1861 was passed. Sir James Stephen's Minute, however, put an end to all discussion on the subject by saying that the maintenance of the position of the district officer was essential for the maintenance of British rule in India and that neither for improvement of justice nor for any other purpose should this position be allowed to be weakened.

The arguments given by Shri Rai in recommending the present arrangement may be summarised as follows:

1. "The arrangement is suited for and promotes integrated system of field administration" which besides being the tradi-

tional system of field administration in this country is also the system in most of the western European countries.

2. Supervision of the district magistrate brings about coordination and resolves conflicts of interests.
3. The district magistrate acts both as the "symbol of the government and the personification of human relations and enlightenment"; humanises the police and acts as a buffer between the people and the police.

While concluding his essay, Shri Rai mentions the fascination of the policy makers in India with the present system of supervision and of their "utter faith in the superiority of the generalist administrator", perhaps intending it to be taken as the final and clinching point in favour of the present arrangement.

The phrase integrated system of field administration has been used so frequently by the author that one begins to wonder whether he was really trying to establish his point by relying on repetition instead of reason. It is difficult to see how any administrative arrangement acquires merit merely because it fits into a particular administrative pattern, or how any particular administrative pattern becomes worthy of emulation merely because it happens to be in vogue in some parts of the globe. The prevalence of the integrated system of field administration in some west European countries is no more its qualification than its non-prevalence in other countries of the world is its disqualification. It is also intriguing to find the author quoting the example of some west European countries to gather support for his case and at the same time ignoring altogether some of the leading democracies of the world like UK and USA from whom we have derived the inspiration for most of our political and administrative institutions. It may be of relevance to mention here that it is the police of Britain and not of any other west European country that enjoys the highest reputation.

Conformity with tradition again by itself is no guarantee of the suitability of any system of administration. The traditional system in this country was confessedly designed to maintain the British rule over the country. If tradition is any consideration, the instant case is indeed one where a break with the past would be an eminently desirable step.

Some tall claims have been made in favour of the collector. For example, he is described as the "personification of human relations and enlightenment", and his administrative acumen and his competence to control and supervise experienced whole time specialists in a wide variety of field is taken for granted. According to a recent survey, the average age of directly recruited IAS collector in 1965 was 36 years and 5 months and the average length of his total service was

6 years and 4 months out of which a considerable part is spent in initial training and occasionally on district postings. The claim of such a person to the attributes mentioned earlier often solely rests on nothing better than the fact of having done a little better than others at a competitive examination before entry into service. It would not be out of place to point out that even in the revenue department directly and exclusively run by the superior generalist administrators' things are not really much different than they are in the other department run by lesser men. The results in the important fields of community development and agriculture again by no means prove the efficacy of the integrated system. On the other hand, some indication of the results of the system on the morale of some important constituents of the administrative machinery can be seen in the representations which the associations of specialist services have made in the recent times to the state governments.

The argument about the collector's role as a coordinator is also not tenable on facts. Undoubtedly there is some scope for coordination at the district level. But power to command is neither a prerequisite, nor even an essential concomitant to the ability to coordinate. The gross exaggeration of the importance of the coordinating rule of the district magistrate may be seen from the fact that the central government departments have all along been functioning without any coordinator at the district level.

Those who plead the necessity of the 'liberalising and humanising influence' of the district magistrate as a justification for the present arrangement seem to be oblivious of the fact that the multitudes in the metropolitan towns in the country, *viz.*, Bombay, Calcutta, Madras, Hyderabad, Bangalore, Ahmedabad, Poona and Nagpur are doing as well as if not indeed better than their counterparts, and that the police forces in those towns have not revealed any more inhuman characteristics than the police forces in the rest of the country, even though the public are without the protection of the 'buffer' and the police are denied the blessing of the 'liberalising and humanising influence' of the district magistrate. In fact, the plea that the district magistrate's control should be retained because he acts as a buffer between the public and the police is evidence of muddled thinking on the subject. It is one of the basic principles of police administration that in a democracy the power of the police to fulfil their functions and duties is dependent on public approval of their existence, action and behaviour and on their ability to secure and maintain public respect and confidence. For the creation and development of a healthy relationship between the public and the police it is necessary that the police and the police alone are held responsible for all their good and bad deeds, that wrongs done by policemen are properly punished by

departmental superiors, that credit where due is given to the policeman and not appropriated by undeserving outsiders, and that the public come to know and appreciate the difficulties under which the police have to function. A buffer between the police and the public is good for neither.

The confusion in thinking on the issue seems to arise from the ignorance of the role of police in a democratic society. The distinguishing feature of a democratic police force is that it functions solely as agent of the law. In a totalitarian set the police functions as agent of the government. The objective of the police in India now is not to assist an autocratic government in maintaining its hold over the country but to secure for the citizens of this country justice, liberty and equality through administration of the laws. The suitability or otherwise of the arrangement under discussion must be determined primarily and essentially with reference to this objective. The objection to the control of the police by the district magistrate is basically the same which led to the separation of judiciary from the executive, viz., that decisions in matters involving dispensation of justice must be based on merits alone and possibilities of such decisions being influenced by extraneous factors must be eliminated as far as possible. Justice and liberty are vitally involved in police work and decision making in this field too requires the same scrupulous insistence on merits and deserves the same protection against extraneous influences. While the district magistrate personally may have a strong sense of justice and fairplay his judgment is bound to be affected by considerations of various policies and programmes which he as the chief executive officer in the district is required to implement.

It is sometimes argued (with occasional variations in phraseology) that the maintenance of the position of the district officer is essential for the general success of the administration. This is an implicit admission that the power and influence of the police is directly or indirectly used by the district magistrate in furtherance of his objects in the executive field. This is exactly what should not happen in a democracy.

Apart from the considerations of *purity in the administration of laws*, the present arrangement has a highly deleterious effect on the efficiency of the organisation. In a force organised on a state basis, the superimposition at an intermediate level of scores of outsiders neither belonging to the force nor even subordinate to the chief, introduces a substantially chaotic element into the organisation. Again in an organisation like the police where so much depends on leadership on one hand and loyalty on the other, a division of command is bound to be a constant cause of poor morale and efficiency.

The administrative fiction which describes the district magistrate

as the conservator of peace and preserver of law and order in the district is again a great shortcoming of the present system. According to a recent survey made by a senior civil servant in Kerala, only 2 per cent of the collector's time was spent on matters of law and order as against 7 per cent on issue of cement permits. The monstrous fallacy of the theory of magisterial responsibility for the maintenance of law and order could not perhaps be better illustrated.

It is not my contention that all the ills in the police department will be removed if the control of district magistrate is abolished. But I do maintain that the ill effects of the present system far outweigh its advantages and that if any defects are observed in the working of the police, the remedy lies in improving the police and not in hoping for miracles by merely placing the police under the control of the collector.

IV

G. C. Singhvi

I have read with considerable interest Dr. Haridwar Rai's article and must congratulate him for devoting his time, attention and energy to such an important but otherwise neglected subject.

What actually is the nature of this dual control has been elucidated upon in the introductory portion of the article. "The district magistrate exercises 'general functional control' over the superintendent of police. The latter exercises 'organisational and professional control, over the police force. This arrangement is grounded in the system of dual supervision of the criminal administration and has been a subject of long-drawn debate in the history of Indian administration."

In other words, but for the general functional control of the district magistrate over the district superintendent of police all control over the district police force whether it is administrative, technical, professional or organisational, vests in the district superintendent of police. And similarly the administration of the police throughout a state is vested in the inspector general of police and in such deputy and assistant inspectors general of police as the state government deems fit (Section 4 of the Police Act, 1861).

It follows, therefore, that the issue of dual control of law and order administration in India boils down to this: Only the district superintendent of police is subject to a dual control—general functional control (general control and direction) of the district magistrate and all administrative, technical, professional and organisational control of the inspector general of police, deputy inspectors general of police and assistant inspectors general of police.

And this is what Dr. Haridwar Rai also has said in these

words: "Therefore, it comes to this that, subject to certain checks and supervision exercised by district magistrate, the officer actually and really responsible for the working of the force is the district superintendent of police. To him every man in the force looks for reward, punishment, promotion, transfer, leave and every thing that concerns himself."

Following a lengthy line of arguments Dr. Rai has endeavoured hard to justify the continuance of this duality of control on the grounds of: (i) the existing arrangement having stood the test of times and having functioned satisfactorily; (ii) the district magistrate having more intimate contacts with the public and functioning as a shock absorber between the police and public; and (iii) the utter faith (probably of those who matter) in the superiority of the generalist administrator.

The existing arrangements may have stood the test of the times but the times themselves have changed a lot and, therefore, the test of the times is not a sure test. With the attainment of independence and coming into force of the Constitution of India the police state has been sought to be changed into a *welfare state* with a shift in emphasis from maintenance of law and order to development of human and material resources. These followed by separation of judiciary from the executive and introduction of the panchayati raj have radically changed the pattern of the district administration and it is in the context of this change of times that the theory of the district magistrate acting as a shock absorber, between the police and the public and the assertion of the superiority of the generalist administrator have to be judged.

And for judging these, certain factors, which have come to the fore as unescapable sequels to those far-reaching changes, have got to be reckoned with. These factors are:

Dr. Rai has pleaded that the district magistrate brings about co-ordination between the prosecution and the police. He would have sounded more correct had he stated that the district magistrate used to bring about coordination between the prosecution and police. For with the separation of judiciary from the executive the district magistrate has no tangible control over the judicial magistrates, who try the Indian Penal Code cases. In these circumstances the district magistrate's position, insofar as maintenance of law and order is concerned is reduced almost to an anachronism.

Keeping such an anachronistic titular head acts as an irritant and unnecessarily generates antagonism and thereby slows down the tempo of execution.

If the district and sessions judge can relieve the district magistrate of his out-dated responsibility of being the head of the magistracy in the district, the district superintendent of police can, also equally

well relieve him (the district magistrate) of his out-dated responsibility of generally directing and controlling the police so that he (the district magistrate) in turn may be enabled to concentrate more on land revenue and panchayati raj.

The district magistrate of 1968 burdened with multiplicity of functions and harnessed and weakened by constant demands made on his time and energy has no longer time enough to do justice to his secondary role of the maintenance of law and order—the primary one comprising functions relating to land revenue, development and welfare.

In Kerala, the collector and district magistrate's office work was recently analysed and it was found that he could devote only 2 per cent of his time to law and order matters (as against 7 per cent of his time to the issue of cement permits).

Similarly in Andhra Pradesh the collector and district magistrate's time is devoted to: development 50 per cent, revenue 30 per cent, magisterial 10 per cent and protocol 10 per cent.

The district magistrate is thus already over-burdened with various land revenue, welfare and developmental affairs. It is for consideration what justice can he do to the so-called maintenance of law and order by paying 2 per cent of his time and attention thereto.

Another pertinent factor for consideration is whether the young generalist collector and district magistrate of nineteen sixties possesses the training, equipment and experience to supervise the police administration and act as a moderator of the laws of control in a district having an educated and well trained Indian Police Service officer as its district superintendent of police.

The young generalist administrator of today is not being trained and equipped to discharge these functions. He may be able to discharge the function of a keeper of order if he is given some special training and repeated refresher courses in administering the preventive sections of the code of criminal procedure and handling a contingent of police—as a magistrate. With the separation of the judiciary the young administrator does not get opportunities for continuously handling the criminal law and the result, therefore, is that he is not in a position to act as a supervisor and moderator.

Coming to the experience part of it the proportion of senior posts which could be utilised for posting of IAS officers as district magistrates has steadily fallen from 45.6 per cent in 1950 to 19 per cent in 1965. In 1965, the number, of senior duty posts in ICS/IAS was 1689 and as against this number, the number of posts of collectors and district magistrates of districts was only 321. Now taking the maximum period an IAS officer has to serve in the senior scale of IAS to be fifteen years, on an average every IAS officer will serve

as a collector and district magistrate just for three years only in the whole of his 35 years' service.

It is, therefore, for consideration if a man who in all puts in just three years as district magistrate and who in the course of these three years also devotes only two per cent of his time to law and order could be trusted with controlling and directing the district police force.

It has been argued by Dr. Rai that the police is the single organised force for the whole state and if it is left to itself it would become rigid and oppressive and that, therefore, the general control of the district magistrate over the police should stay to serve as a healthy restraining and humanising influence.

Here again Dr. Rai does not seem to have taken into consideration the various additional controls on the police which have emerged since our country became independent. These direct and indirect controllers comprise the ministers, deputy ministers and legislators (their public accounts committees, starred and non-starred questions, adjournment motions and budget discussions), vigilance commissions, anti-corruption departments and administrative vigilance departments. In addition to these new controls, the traditional controls of the judiciary (considerably enhanced by the separation of the judiciary from the executive) and of the rules framed by the government under section 46 of the Police Act of 1861 can in no way be lost sight of. Truly speaking their control is more potent and powerful than the control of the district magistrate.

The politician, the press and the public also in their own ways control the police and not inconsiderably for that matter.

And on top of it all is the rigorous departmental control exercised by the superior police officers in accordance with the provisions of the law of the land and in pursuance of the rules framed by the inspector general of police of the state under section 12 of the Police Act 1861 and approved by the state government.

With so many constitutional, administrative, democratic and departmental controls over the police existing, it is for consideration whether the control by the district magistrate for which he has neither the time nor the energy nor the equipment should stay.

Moreover, with the separation of judiciary from the executive the control of the district magistrate has become almost redundant. The so-called rigidity of and oppression by the police can be and is curbed and checked to a great extent by the judiciary. For every arrest by the police has to be intimated to the trying judicial magistrate. The same is the case with searches made by the police. Remands to police custody are granted by judicial magistrates. Challans and final reports are entertained by them. Convictions and acquittals in cases

are within their powers. Police officers then are not immune from incurring civil liability for their illegal, irregular and unwarranted actions and this too is adjudicated upon by munsifs and judges (judiciary). So also they can pass strictures against police officers. And neither the district magistrates, nor their subordinate executive magistrates either enjoy or have been left with any such power as has been vested by law in the judicial magistrates and judges.

Opportunities for prompt interchange of views and information in critical situations between the state headquarters and districts which the police radio network has provided and increase in the number of additional deputy and assistant inspectors general of police leading to closer departmental supervision of the work of the district superintendent of police have by loosening the bonds between the district magistrate and the district superintendent of police, led to some blurring of the former's responsibility. Political and labour agitations are increasingly directed on a statewide basis and this results in a situation where the government, in consultation with the police headquarters, issues instructions of a general nature on how the agitation should be dealt with. These trends naturally point to a new orientation in the relationship between the district magistrate and the district superintendent of police.

And this, it may be stated, is not an observation of anyone of the police officers who in the words of Dr. Rai are guided by narrow departmental considerations of 'empire building'. Instead it is the view of a senior IAS officers (Shri G. Ram Chandra) borne on the Madras Cadre.

Maintenance of order demands the exercise of firmness and sternness on the part of the maintainer. The collector and the district magistrate of pre-independence times, as he was dealing with collection of revenue and maintenance of order only, could afford to be stern and firm as both these functions demanded these attributes in him. The collectors and the district magistrate of the nineteen sixties is more a panchayati raj and a developmental officer where sternness and firmness are almost anathema.

It is, therefore, for consideration how could such contradictory functions like development and maintenance of order be combined in one and the same man. How could hot and cold be blown together?

The chain of command in the police departments in India, from the top downwards comprises the inspector general of police, the additional inspectors general of police, deputy inspectors general of police, assistant inspectors general of police, the district superintendents of police, the assistant district superintendents of police and so on and so forth. The district magistrate does not fit-in in it anywhere.

For while the district magistrate has some general control over the

district police which is headed by the district superintendent of police, he, in turn, is not subject to any control of the deputy inspector general of police or the inspector general of police, a fact which renders the chain of command a poorly defined one. And a poorly defined chain of command can and does create confusion, breed distrust and lower efficiency.

It has been argued by Dr. Rai that the police look at the criminal administration from the narrow police angle but the district magistrate looks at them from a broader angle.

For the sake of argument if this contention is extended a little farther, would it not be still better if the powers of general control and direction over the district police are vested in the pramukh of the zila parishad for he being an elected representative who presides over a body which has all the MPs, MLAs and pradhans of the panchayat samitis of the district and a few coopted members representing different interests as members would look at things not only from a broader angle than the district magistrate but will in addition be in a position better to weigh the scales between the police and the public.

Carrying the argument a little farther still if the police cannot be trusted with looking at the problems of the criminal administration except from a narrow police angle, pray what is the use of keeping highly paid police officers as inspector general and additional inspector general of police at the state level and deputy inspectors general of police having territorial and functional jurisdictions at the state and divisional levels.

These assignments could also be got made over to the generalist administrators (IAS officers) so that with their wider experience of men and affairs they may look at the police problems from a broader angle and in the process do good to the community and the police itself as well.

I would now like to make a passing reference to two statements made by Dr. Rai in the aforesaid article which factually and legally are rather not correct.

At one place he has stated that the district superintendent of police can be vested with powers to regulate public assemblies and processions. The legal position, however, is that these powers already stand vested in the district superintendent of police by virtue of section 30 (1) of the Police Act, 1861.

At another place Dr. Rai has termed the police force "an official instrument at the disposal of the district magistrate for the prevention and detection of crime". With due deference to Dr. Rai it may be pointed out here that the position was like this in terms of the preamble to the Madras Police Act (Act XXIV of 1859) but it is not

so now as the preamble to the Police Act (Act V of 1861) just declares: "Whereas it is expedient to reorganise the police and to make it a more efficient instrument for the prevention and detection of crime".

Obviously the instrument is in the hands and at the disposal of the state government (and not the district magistrate) to which the state police is subordinate. The district magistrate has been vested with only general control and direction of the administration of police in a district.

Dr. Rai has borrowed three quotations from the treatise *The Indian Police* by J. C. Curry (1932). He, however, seems to have missed the prophesy part of his writing on the subject and this is: "These two officers thus constitute an interesting duumvirate....The relationship between these two officers is, in fact, typical of English arrangements with their lack of logical finish.... How such a system will work in Indian hands is a matter of speculation as up to the present it is virtually untried; and Indians with equal balance, moderation and judgment have different traditions from our own. When the majority of district magistrates and district superintendents are Indians they may well find it necessary to evolve new standards of relationship."

And now not only are all the district magistrates and district superintendents of police Indians but India itself is a democratic republic avowed to achieving the goal of a socialistic welfare state.

The discussion may now be summed up by stating that the time has come when the role of the district magistrate in the police administration of a district *vis-a-vis* the role of the inspector general of police, the additional inspectors general of police, the deputy inspectors general of police and the assistant inspectors general of police having territorial and functional jurisdictions deserves not only an earnest examination but a revolutionary re-orientation to suit the needs of the present day society. Colonialism has vanished. Shall we allow the remnants of colonialism to plague our administrative structure is a big question which is for consideration?

Perspectives on Indian Police*

Prabhu Datta Sharma

IMAGE STUDIES about organisations can be called studies in public perceptions or popular perspectives on organisational behaviour which largely represent cumulative configurations of petty reactions. The images may be fake, phoney, projected and even real. They are relative and shifting and yet given a particular situation or manipulation, they may acquire mythical patterns of stability, and continuity in social systems.¹ Actually, trivials, not vitals, make images and the people who come in contact or are forced to be in the proximity of the functions of an administrative agency react to the organisational behaviour in terms of their own experiences, degrees of involvement and socio-cultural backgrounds.² Rumours, hearsay, stories, gossip, box news items and public comments at railway stations and bus terminals provide these images with patterns and structures, which in due course of time get hardened, stabilised and even legitimised.³ Like a camera picture, the reality of the image depends upon innumerable variables, including the qualities and properties of the camera, the object and the cameraman. There is a great amount of irrationality and circumstantial distortions of popular images, which cannot and perhaps need not be studied with a scientific rigor. Yet no student of public administration or bureaucracy can deny that a wide acceptance of a shared public image by the people at large about an organisation plays a critical role in assessing its functional, competence and democratic viability.⁴

While studying the police administration in India there may be

*From *Indian Journal of Public Administration*, Vol. XIX, No. 4, 1973, pp. 525-51.

¹Talcott Parsons, *The Social System*, New Delhi, Amerind Publishing Co. Pvt. Ltd. (Indian edition), 1972, pp. 58-112.

²Merton Roberts K., *Social Theory and Social Structure*, New Delhi, Amerind Publishing Co. Pvt. Ltd. (Indian edition), 1972, especially Ch. on "Theory of Reference Groups and Social Structure", pp. 335-386.

³*Ibid.*, p. 185-214.

⁴*Ibid.*, pp. 249, 268, 273.

a valid question whether an amorphous and inchoate phenomenon like popular image of police in India can gainfully be studied? If so, can such studies be utilised to evolve reform models in the police organisation? And again, is it not true that the image of the police is not of its own choosing and is so inextricably mixed up with the historical, functional, democratic and developmental problems and conditionings that a theory of police reform will ultimately end up as a very broad level generalisation of socio-cultural change or political development in India?⁵ If images can be improved and thereby administrative efficiency as a commodity can be manufactured, then the totalitarian countries or military regimes are better placed than democracies wherein administrative structures reflect and represent the amorphous mass and its shifting opinions.⁶ Therefore, what is significant for administrative purposes is not how the administrators look like, but what they accomplish and in what manner and at what cost. Of course, it partially depends upon how they do look like.

In a democratic administration, the lines between the how and what are never so neat.⁷ A manufactured image is certainly undemocratic and disastrous, but conversely speaking, a democratic process of evolving a popular image is a long and risky way to ensure genuine public participation and enhancement of efficiency and economy in organisational operations.

The image of police in India though broadly related with the national character, reflects the organisational behaviour of the police bureaucracy.⁸ It also unveils the nature of police-public relations at various levels and between various strata of the Indian society. In a plural society of heterogeneous groups and conflicting interests, where a national consensus about stability and developmental goals is yet to be evolved, the image of the police should seriously help or hinder the broad goals of national policy. The democratic commitment presupposes a representative and responsible police system,⁹ not only in terms of structural mechanism and functional control, but in day-to-day working with the people at all levels. As the democratic processes widen and percolate at various decision-making centres of

⁵D.H. Bayley, *The Police and Political Development in India*, Princeton, Princeton University Press, N.J., 1969, especially Part VI "The Police and the Political System", pp. 409-26.

⁶V.R. Krishna Iyer, *Police in a Welfare State*, New Delhi, Asia Book Centre, 1958.

⁷Bayley, *op. cit.*, "What Police Do," p. 16, "How Police Do it", p. 23, and "What the Police Are", p. 25.

⁸"Police Culture : Need for Wider Perspective", *C.B.I. Bulletin*, Vol. 6, August 1972, p. 11.

⁹B.N. Mullik, "Public Trust", *Tamilnadu Police Journal*, Madras, Vol. 22, Oct-Dec. 1971, p. 229.

Indian political system, it can be conveniently hypothesised that the range of police contacts with the public, criminal as well as non-criminal will be increasing.¹⁰ Mass education and relative affluence should influence the frequency and inter-personal nature of police-public contacts—situational as well as non-situational. The perspectives of public on police and police on public should visibly change as the processes of modernisation stir the society and police organisation directly as well as indirectly.

The present study seeks to survey and evaluate conclusions of a research, based on a limited but representative sample of police and non-police respondents. The study has three parts and the comparative data has been processed and analysed in an overall research design, seeking to answer the following three concrete questions:

1. What do the police and people in India think of each other in terms of broad perceptions and how do these compare with the police image in the eyes of the policemen themselves?
2. Why has the image of the police in India emerged and been accepted as such by different sections of Indian society?
3. What according to police officials and non-police participants in police administration can be and should be done to better this image of the police to shape it as a more effective and responsible organisation in the political system of the country?

The study does not go as deep and as wide as Bayley's study in evaluating the determinants of public perspectives on police and *vice versa*.¹¹ But an attempt has been made to retest some of the hypotheses from his questionnaire, administered after 7 years of time and that too on a different kind of sample with an additional advantage of comparing it with the policemen's point of view about the image of their own organisation.¹²

The sample for the present study consisted of 75 policemen and 105 non-policewallas spread over a wide spectrum of varied age groups and ranks in the case of the former and several professions in the case of the latter. Fiftyfour respondents in the police sample were members of the Indian Police Service (IPS) while 21 of them held

¹⁰B.J.K. Tampi, "Police and Public", *C.B.I. Bulletin*, Vol. 6, December 1972, p. 9.

¹¹D.H. Bayley, *op. cit.*, pp. 220-248.

¹²Some of the items of the Bayley questionnaires employed for the present study were: Appendix B, Items 39, 54, 56, 57, 61, 62, 64, 80, 84, 98, 101A, 120, 120A; Appendix C, Items 35, 36, 51, 54, 61, 74, 78A, 86, 95, 106, 113, *The Police and Political Development in India, op. cit.*

junior positions in non-IPS cadres in five different states of the Indian union, but mostly in the state of Rajasthan.

The police sample of 54 in the IPS group consisted of one IGP, 16 S.Ps., 3 D.I.Gs., 22 probationers, 7 A.S.Ps., 5 retired officials. The non-IPS group of 21 members included 3 constables, 4 head constables, 12 Sub-Inspectors and 2 Inspectors. The professionwise break-up of the non-police sample was 52 students, 11 businessmen, 8 labour leaders, 7 politicians, 15 civil servants and 12 others, including 8 housewives. Out of these 105 non-police respondents, 87 belonged to the State of Rajasthan and 71 of them had their domicile in the city of Jaipur. Thirtyeight of the respondents in the police sample filled the questionnaire and the interview schedule method was employed in rest of the cases in both the samples of the survey. The study took two years (1970 and 1971) for its completion.

IMAGE OF THE POLICE

The image of police administration in India like all other images is neither static nor exclusive to be characterised with epithets like, 'fair' or 'foul'. Actually, it is relative and subjective to the sections of the public, their involvement and the fluctuating extent and stakes of this involvement. Similarly, these images further vary a great deal, when the questions are posed about the gazetted and the non-gazetted, the IPS and the non-IPS and the field officials and the staff officials among the seniors. Then again different people, viewing various kinds of police officials like to use all kinds of 'ifs' and 'buts' before reflecting upon their reactions. Hence micro-studies alone can measure and evaluate in depth the socio-psychological and attitudinal perspectives of the people about various categories of policemen and *vice versa*. Yet a macro-level study, very much like an opinion poll, has its own validity.¹³ What people in general think of the police as an organisational whole is important and still more important is what police officials think of their own job, of their own colleagues, and of their own organisation. The structured questionnaire administered for the present study pushed the police and non-police respondents to specific positions and in Table 1 is the percentage-wise presentation of the categories in which they liked to place the police administration in India.

The figures in Table 1, if presented graphically will posit two different kinds of curves, bulging at 'fair' and 'corrupt' levels. Incidentally the apathetic and the confused respondents in both the

¹³In the area of 'Voting Behaviour' such studies have made a very significant contribution in revising the Poll strategies and future election campaigns of political parties and their candidates.

TABLE 1 WHAT YOU THINK THE IMAGE OF POLICE ADMINISTRATION IN INDIA IS?

	In percentage	
	Police sample	Non-police sample
1. Excellent	4.92	.03
2. Fair/satisfactory	56.01	3.17
3. Foul	18.32	27.07
4. Corrupt and harassing	12.17	61.36
5. I do not know	8.58	8.47

samples were found almost at par and both the policewallas and the non-policewallas seemed to be in agreement that the present-day image of police administration was far from being excellent.¹⁴ Similarly, the categories of both the kinds of respondents who accepted the image as 'foul' did not differ significantly, the difference being 8.75 per cent only. The most serious dichotomy in perceptual scale was discovered at the point where the majority of the respondents in the police sample viewed their image in their own eyes as 'fair', which the non-police public described as 'corrupt and harassing'. Here again, when only 3.17 per cent of the non-police respondents regarded the police image as 'fair', relatively narrow margin of 12.17 per cent of the police sample felt that their organisation was corrupt and their organisational behaviour was harassing.¹⁵

The study further revealed that 56 per cent of policewallas felt

¹⁴This has also been the conclusion of a study on "Public Image of the Police" conducted by the Society for Study of State Governments, Varanasi, published in the Society's Journal, July-December, 1972, with the Director's note, which runs as under :

"The Police is a part of bureaucracy in India...Public image of bureaucracy itself is not very bright...Bureaucracy is corrupt, unhelpful and very indifferent...If we had conducted a survey of public image of bureaucracy and asked the respondents the same questions, about say Government, doctors and hospitals, responses would have been almost identical," p. 263.

¹⁵Dr. (Smt.) Saraswati Srivastava in her study of "Public Image of the Police" discovered the same as under:

Total No. of respondents in the mixed Sample=150			
	No	Yes	Don't know
(1) The Police are a corrupt lot	8.6%	88.6%	2.6%
(2) The Police prevent and investigate crime properly	75.3%	18.00%	6.6%
(3) The Police are in league with criminals.	8.6%	84.6%	6.6%

Journal of the Society for Study of State Governments, Varanasi, July-December, 1972, pp. 243-63.

that their organisation enjoyed a fair image and as high as 62 per cent of them even maintained that their organisation was changing faster than the pace of social change in India.¹⁶ They rejected the lag theory and believed that the reforms processes initiated during last two decades were adequate. Contrary to this, the non-police respondents with a majority as high as 57.12 per cent found that the police behaviour was 'rude and discourteous'.¹⁷

To study the comparative perceptions of different professional groups towards the police in general and the comparative police perspectives on these groups in particular, the non-police sample was broken up professionwise and two separate questions were addressed to the respondents in both the samples. The results of the survey are given in Table 2.

TABLE 2 COMPARATIVE STUDY OF ATTITUDE OF GROUPS
TOWARDS POLICE

<i>Police sample</i>		<i>Non-police sample</i>	
Which special groups in Indian Society generally do not cooperate with the police ? (%)		Which of the following groups in Indian Society help the police in being corrupt and harassing? (%)	
1. Students	21.92	Students	2.01
2. Businessmen	11.08	Businessmen	16.72
3. Intelligentsia	24.71	Intelligentsia	12.12
4. Political leaders	15.03	Political leaders	51.02
5. Religious leaders	5.07	Religious leaders	5.22
6. Civil servants	10.12	Civil servants	9.28
7. Others	12.07	Others	3.63
	100.00		100.00

Table 2 revealed that to police officials intelligentsia was the biggest single group, which did not cooperate with the police administration in the country. The non-police respondents blamed the political leaders as the most obnoxious group, vitiating the police administration. Similarly, when students were regarded as a serious kind of 'problem-category' by the policeman, the mixed sample of

¹⁶The Senior Police officers, especially the members of the IPS subscribed to this view, which was not acceptable to the non-gazetted officials of the State Police.

¹⁷Some of the reasons for this discourteous behaviour checked by the majority of the members of the various sections of the community sample were:

- (1) Students : They are power-drunk; (2) Businessmen : They are corrupt; (3) Intelligentsia : They are illiterate and unfortunate; (4) Political leaders : They are agents of the ruling clique; (5) Religious leaders : They are immoral; (6) Civil servants : They do not have professional ethics.

non-police participants found the student activities as a very low kind of factor in spoiling the image of the police organisation. The figures in Table 2 further indicate that the police sample had presented the business group as 'third high', while the people put it as number two after the politicians in besmearing the police image in India. The policemen only in 32 per cent cases, maintained that the political leaders in the country had a low opinion of the police organisation.¹⁸ Majority of them were found saying that most of the political leaders had a clear idea of the policemen's problems and predicaments.¹⁹

Although no study of interpersonal attitudinal scales and their behavioural manifestations can be quantifiable and precise, a broad measuring framework was evolved for the present study to make it possible in terms of relational descriptions. Prof. Bayley used similar scales on four different kinds of samples to evaluate attitudes of others towards police organisation and organisational behaviour of policemen in India.²⁰ The present study used some of these indices on its police and non-police samples of mixed nature. The way in which the respondents characterised the attitudes of each other towards one another are being given in Table 3.²¹

TABLE 3 POLICE-PUBLIC RELATIONSHIP

	<i>Attitude of police towards people</i>	<i>Attitude of people towards police</i>
1. Generally	Uncooperative	Uncooperative
2. Mostly	Indifferent	Hostile
3. Often	Hostile	Indifferent
4. Rarely	Friendly	Friendly

Notwithstanding the methodological difficulties of such value-ridden measurements, Table 3 depicted the identity of perceptions at items 1 and 4. But the strong variance at items 2 and 4 demonstrated the so-called foul and fair characteristics of the police image in public and police eyes. The common man found the policeman 'mostly'

¹⁸Also see the reports of the Police Commissions, West Bengal, 1964, Uttar Pradesh, 1962, Maharashtra, 1964.

¹⁹One of the senior political leaders of the ruling party said, "Policemen are our subordinates. They work under very difficult and trying situations...Actually we aggravate their problems by being soft to our voters and political supporters."

²⁰In the Bayley Study, *op. cit.*, the samples were picked up from Bangalore, Tumkur, Kanpur and rural migrants to Kanpur. Similarly, the four Indian Universities chosen for this kind of study are Delhi, Allahabad, Osmania and Bangalore.

²¹The terms are used qualitatively in descending order :

1. Friendly, 2. Cooperative, 3. Indifferent, 4. Hostile.

hostile, while to policeman it was 'often' the case.²² The reasons for this kind of perceptual prejudice must not be far from to seek. The senior officials in the police, especially in the IPS exhibited a 'sympathy orientation' with the common man and after having narrated a story or two about popular misunderstandings, they summed up by saying, "People on the whole are not bad; it is a different story, that they are indifferent." But the citizens interviewed for the study were mostly fed on news items, published in the vernacular press and their orientation of hostility was mainly the result of the 'anti authority bias' which they fondly cherished as citizens of a developing democracy.²³ The survey generally validated the commonplace belief that "people and police in India are generally non-cooperative with one another and rarely friendly with each other".

POLICE AND PEOPLE

The general conclusions of the first part of the survey indicated that the police officials in India were not very happy with the behaviour of the people. They did not think that their public image was 'foul', although they did concede that it needed to be improved. On the other hand, the people in general maintained that the police was 'rude', 'discourteous' and 'hostile', but they simultaneously accepted that neither the police organisation nor the police officials in India were directly responsible for their foul image and hostility perceptions. It was interesting to find that these perceptual configurations were not substantially rooted in rationality.²⁴ The respondents in both the varieties of samples could not illustrate and justify their valuational positions. Respondents as high as 70.03 per cent in the non-police sample, when asked about their first reaction to a situation, wherein "a policeman knocks at the gate of your neighbour", checked the item, "perhaps some crime has been committed". A very small and negligible number answered and maintained that they would have no special reaction to this situation. These people who knowingly believed that police in India had been a mechanism of harassment had not suffered much at the hands of the police directly

²²This situation has also been evaluated in the 'Police Image Study' conducted by the Society for the Study of State Governments, *op. cit.*, pp. 257-58, and has been depicted as under :

	Yes	No	Don't know
1. The police is a friend of the people	21.3%	77.3%	1.3%
2. The Police can be trusted	20.0%	80.0%	Nil

²³Refer to Eldersveld and Jagannadham, *et al*, *Citizen and Administration*, New Delhi, IIPA.

²⁴Govind Narain, "Police of Tomorrow", *C.B.I. Bulletin*, Vol. 7, Jan. 1973, p. 2.

or personally. They openly maintained that their opinion was based mostly on, what the other so-called experienced people had communicated to them. The figures given in Table 4 of the non-police sample reveal the bizarre nature of these popular perspectives on police.

TABLE 4

	Percentage-wise	
	Yes	No
1. Have you ever seen a policeman beating an alleged offender?	17.30	82.70
2. Have you or any of your near friends been illtreated by the police?	40.07	59.93
3. Have you ever given bribe or illegal gratification to any policeman?	9.01	90.09
4. Do you personally know policemen who flatter the politicians?	28.27	71.73
5. Do you know some police officials who are really very honest?	61.23	38.77
6. Do you think the young generation of police officer is better than the senior generation?	92.02	7.98

The statistical figures given in Table 4 show a serious variance in items 1, 3 and 6 which indicates that people in general had very limited or almost negligible personal or direct experiences of police excesses and corruption in the police organisation. It was equally significant to note that the younger generation of police officers was found enjoying a much better image than their seniors, almost in an overwhelming way.²⁵ Similarly, contrary to the widely shared and heard popular notions about slavish submission of police officials to political bosses, 71.73 per cent respondents of the non-police sample disclosed that they did not know police officials who were engaged in flattering the political masters.²⁶ The survey conclusions weighed quite heavily against 'experience perception paradigm', yet, on the basis of personal knowledge some 61.23 per cent respondents of the citizen sample revealed that "they know some police officials who are really honest". Very few persons in this sample displayed any evidence of being called or visited by the police in one capacity or the other. Hence the following hypothetical question was put to the

²⁵On this theme an excellent Syndicate Study had been prepared by the Advanced Course I.P.S. Trainees at the National Police Academy, Mt. Abu, "Attitude Survey of Subordinate Police Ranks", *Transactions*, Vol. XVIII, No. 2.

²⁶"Attitude Problems of Retired Police Officers" (Syndicate Study) (Cyclostyled version), *ibid.*

respondents. "What do you think, your experience would have been, if you would have been called to a police station?" In response to this most of the respondents imagined all kinds of calamities ranging from physical torture to the token payment of graft money.²⁷ Paradoxically even those, who felt that the police image in India was changing fairly fast, also exhibited doubts, whether a glass of water could have been served to them in a police station.

The policewallas and the non-police public, who jointly participate in the day to day administrations of law and order and crime-prevention had their different reasons to explain this phenomenon. Most of the police officials, who somehow felt that the image of police organisation was not so poor or foul, attributed it to factors of history, which had been against them all along. They confessed that some of the minus factors were very much inbuilt in the negative nature of the police duties and they were aggravated by the dynamics of democratic change, so swiftly sweeping over the Indian society.²⁸ They also alleged that adequate care had not been bestowed upon this problem of image because of the lack of public relations machinery and a rightly placed emphasis on the routine nature of basic functions.²⁹ The respondents of the non-police sample were found aware of the conditions obtaining in the police organisation and they viewed the gravity of the problem from this angle also. Most of them liked to place the onus on the functioning of the structure and the ill-conceived personnel policies of the police organisation, haphazardly pursued by its leaders in the face of socio-cultural changes in India. The percentage-wise figures of the respondents are given in Table 5, who indicated their first preference or the one single dominant reason for the present state of affairs.

The analysis of these results indicated a significant variation on items 2 and 3. The police officials and the people perceived the nature of the police job in significantly different ways. Similarly, when the former were found somewhat *pro-status quo* about the personnel system in the police, the latter felt that the personnel policies were highly defective and absolutely out of date. A gross proximity of views was noticed about the roles of history and the press in the two samples. About the nature and the processes of

²⁷One of them said, "The same will happen even to an inspector general of police, if he visits a Police Station in his State *incognito*."

²⁸An Additional I.G.P. pointed out that the negative nature of the police job can be amplified by the fact that when all other professions and departments have something to distribute as spoils, the police has relatively very little to offer to the citizens except lathies or bullets.

²⁹See S. C. Misra, "Police-Public Relations", *Tamilnadu Police Journal*, Vol. 22, Oct.-Dec. 1971, p. 233.

democratic change, causing their inevitable impact on the image of police, the two groups differed quite widely, although the difference in terms of quality may not be called very significant.³⁰

TABLE 5 HOW DO YOU ACCOUNT FOR THE PRESENT IMAGE ?

	(in percentage)	
	Police sample	Non-police sample
1. History of the police	28.01	23.22
2. Nature of the police job	36.32	20.13
3. Personnel policies	8.11	30.11
4. Democratic change	17.27	8.02
5. Hostile press	6.30	6.17
6. Any other	3.99	12.35
	100.00	100.00

One interesting conclusion of the survey was that, when the non-police respondents in general thought very high of the younger generation of the police officials in India, the majority of the police officials of all ranks (notwithstanding their sympathy with the youngsters), did not rate the young people so high as responsible citizens of the country. In 72 per cent cases, the police officials checked that the teenagers/students in India hate the police without any rhyme or reason³¹ but the respondents in the non-police sample in majority of the cases said, 'No', in response to this very question. Some of the answers of the structured questions addressed to both the samples are given in Table 6.

The Survey study revealed that the police and the people in general broadly accepted the fact that the basic duties of the police included the defence of *status quo* or preservation of stability in society. But, this did not imply any value premise, whether that was the only way as it ought to be. The identical check on 'perhaps' in majority of the cases in both the samples pointed out that both the police and the non-police did not like to defend this proposition. Similarly, unanimity was observed about the role of secondary socialisation

³⁰While discussing the impact of democratic change in police organisation, the policemen generally had a tendency to compare the present with the past, but the non-police respondents tended to evaluate the impact by keeping the model of a future policeman or his counterpart in foreign countries as a measuring yardstick for the present.

³¹This seems like a nemesis of what the Indian University students think of Indian Police. In 1969, Prof. Bayley concluded his Survey "They are inclined to doubt police honesty, impartiality and freedom from political control...Police are thought of...as rude, discourteous and given to physical abuse", *op. cit.*, p. 344.

Also see C. Chakravarti, "Student Indiscipline and Police", *Transactions*, Nov. 1967, National Police Academy, Mt. Abu.

TABLE 6

	<i>Police sample</i>	<i>Non-police sample</i>
Do you think that :		
1. The police according to young people is mere authority to be hated?	Perhaps	No
2. The young people feel that police is a defender of <i>status quo</i> .	Perhaps	Perhaps
3. The young people fight against the police because it stops them from fighting against establishment.	No	Yes
4. The schools have failed to give a correct image of the police in India.	Yes	Yes

through schools, which had failed to present the police administration in India in bright colours.³² The people in general did not subscribe to the view that the young people in India were opposed to police merely because it symbolised authority and the latter had an anti-authority bias in their primary and secondary socialisations. The police officials also did not like to take a categorical or positive position on this. A deep variance in perceptions of significant nature was observed on item 3, where the non-police respondents maintained that the police was in league with the reactionary establishment and had hindered change in the name of its primary duties.³³ On the contrary, the police officials, committed to their loyalist concepts of discipline and duty, did not agree to it. Obviously, in arranging their priority order between administrative discipline and social change, they put the former higher in preference to the latter.

To discover factors, which have a direct as well as indirect bearing on police-public relations in terms of relative and respective perceptions of image, the respondents in both the samples of the study, were given a free choice to list the causes for the sorry state of affairs in the present. They listed all kinds of serious and frivolous causes³⁴ responsible for the police image. Most significant factors in order of priority pointed out by these respondents in both the samples of the study are given in Table 7.

³²The text books on Indian Social Institutions prescribed for school and college students carry exaggerated and unverified scandalous accounts about police atrocities, corruption and third degree methods employed by the Indian Police.

³³The Survey conducted by Dr. (Smt.) Saraswati Srivastava also confirms this with as high as 84.6 per cent respondents maintaining that "The police are in league with criminals. It also found the police under the influence of the local politicians negative votes being 8 per cent only", *op. cit.*, pp. 256, 260.

³⁴Some of these were red colour of the turban, long moustaches and vacant eyes, tail-wagging behaviour before V.I.Ps., alcoholic habits and urination at public places by police constables, etc.

TABLE 7 FACTORS RESPONSIBLE FOR THE POOR IMAGE OF THE POLICE

<i>Police sample</i>	<i>Non-police sample</i>
1. Too many responsibilities.	Educational calibre of Policeman is too low.
2. Lack of popular cooperation.	The Police people are low paid.
3. Lack of Funds.	The Police job is too dull.
4. Ill-trained juniors.	The seniors corrupt the junior officials.
5. Corrupt political leaders.	Police training is inadequate.

These factors along with a host of others such as political interference, conventions, discretionary powers of the police, third degree methods of crime detection, hostile press, low morale, lack of sanctions, illiteracy-power-status syndromes of values, etc., represent the popular diagnosis of the so-called malady. To most of the policemen, it was the problem of history, ignorance, lack of will for reform and over-democratisation of the Indian polity. Still an analysis of the priority order of the most significant factors in the police sample indicated the perceptual subjectivity. Interestingly enough, the police officials put lack of funds at order number three and regarded over-work as a more major factor than the apathy and the hostility of the people.³⁵ Similarly, when low salary and poor service conditions were not serious grouses of the senior as well as junior police officials, the respondents in the non-police sample observed and expressed concern about the low paid status of the policeman. None of these non-policemen ever said that the policeman was overworked and his department was under-budgeted in the national scheme of overall development. A majority of the non-police respondents could successfully establish a relationship between the work, the worker and the cost at which the worker was available. The non-police sample being favourably loaded towards educated people, it could clearly understand the predicaments of the semi-literate policeman and sympathised with his lot. It found his job arduous and dull for which he was not paid adequately, taking into consideration his responsibilities, dedication and skills.³⁶ Both the samples felt hopeful about the roles and results of training, especially at the lower levels. But the low priority rating indicated in Table 7 also explained that the respondents were not very optimistic or over-enthusiastic.

³⁵See K.G. Ramana, "Police Forces of India and Their Cost", *Transactions*, October, 1962, "Police Forces in India—Their Strength and Cost", Syndicate Study, *Transactions*, October, 1963, National Police Academy, Mt. Abu.

³⁶M.M. Singh, "Minimum Wage for a Policeman", *Transactions*, October, 1962, National Police Academy, Mt. Abu,

A comparative analysis of the factors listed in this table, quite significantly indicated that the lower functionaries of police, like constable and sub-inspector had been the major agents of image-building to both the kinds of respondents. The police officials felt that they had not adequately been trained by their own organisation, but the non-police people maintained that the seniors had projected a wrong model and had rendered the juniors, what they were or what they appear to be.³⁷ Surprisingly, not a single policeman found his job as dull and boring, but the non-police respondents as high as 26.07 per cent felt this way. The commonsense factors like the history of the Indian Police or interference by the political leaders, etc., were found too low to be regarded as significant in both the samples of the present study.

FACTORS RESPONSIBLE FOR TARNISHED IMAGE OF POLICE

Notwithstanding the variance in the perceptions of police image by the policemen and the people and their respective reasons for holding these perspectives, there was a near agreement among all the categories of the respondents on the point that some conscious and deliberate measures need to be devised to present the present police image in brighter colours. Very few police officials mentioned and fewer still maintained that serious and systematic efforts had been made in the past in this regard.³⁸ Even in the advanced countries of the west, this concept is very recent.³⁹ Some conscientious among them did talk about some sporadic, *ad hoc* and absolutely personal measures, experimented upon by them on their own initiative and risk at the district level and below. These police officials tried some of the grievance redressal measures like visiting hours, personal audiences, appointment of citizens' committees, etc., on their own initiative and with varying success. All of them, without any exception advocated and defended the utility and efficiency of these public relations measures in improving the police-community relations. But they did concede that these efforts could not reach fruition because of the absence of a well-conceived policy and its implementational follow-up by them or their successors. Casual efforts like 'press

³⁷Several eminent policemen have also supported this view. See S.C. Misra (I.P. retired), *Police Administration in India*, Mt. Abu, National Police Academy, 1972, especially the Preface. Also see S.R. Nigam, *Scotland Yard and the Indian Police*, Allahabad, Kitab Mahal, 1963.

³⁸See K.S. Puri, "Public Police Cooperation", *Tamilnadu Police Journal*, July-Sept. 1972, p. 36.

³⁹Police and Public must work together, *Texas Police Journal*, Vol. 20, May, 1972 p. 9. Also see W.H. Parker, "The Police Role in Community Relations", Chicago, *N. C. C. J.*, 1955.

meets', or 'police weeks' or a seminar or two on 'police problems' always aroused considerable interest in the beginning, but it soon tapered off because of the lack of involvement and the lack of organisational commitment, so very necessary to push such programmes through on a mass scale in a sustained manner. Most of the respondents in both the samples suggested that some positive results in the field of improved police-public relations could be achieved, if the problem could have been attacked at three levels : (1) the organisational level, (2) the mass communication level, and (3) the interpersonal level of the members of the traditional community. The respondents in general showed great awareness about the effectiveness of mass media and the impact of democratic institutions, especially that of panchayati raj in the country side.⁴⁰

At the organisational front, the reforms were perceived as the most difficult process by both the kinds of respondents. These respondents when further asked about the concrete measures given in Table 8 as a remedy to better the present low image of the police, checked the list in the order of preference as given in Table 8.

The statistical data, given in Table 8, collated from the mixed and random sample of the present study indicated some priority measures and their effectiveness assessment by the police and the non-police participants in police administration for the betterment of the police image in India. The comparative table showed that the police and non-police respondents agreed on items 2, 4, 5, 6 and 8, while they differed quite significantly on items 1, 3 and 7 (the difference being more than 10%). The 'do not know' category in both the samples, besides being insignificant, also varied seriously on items 3, 5, 6 and 7, which meaningfully implied their debatability and still more a professional versus non-professional approach to the problems of police administration.⁴¹ The negative preference was nowhere in majority in either of the samples except on item 1 in the police sample. The comparative analysis of the figures on organisational reform chart (from 1 to 3) indicated that both the policewallas and the non-policewallas stood for speedier specialisation and creation of more autonomous organisations in the police to do a better job of their work. The former quite expectedly, but nonetheless very strongly and overwhelmingly, felt that the powers at the police station level

⁴⁰One of the respondents said, "If India would have opted for T. V. network in the fifties, the impact of modernisation would have been considerable and visible upon the institutions and processes of her democracy."

⁴¹For details about professional approach, see K.B. Vohra, "Need for Reorientation of Police", *C.B.I. Bulletin*, Vol. 7, Jan. 1973, p. 2,

TABLE 8

Measures	Police sample			Non-police sample		
	Yes	No	Don't know	Yes	No	Don't know
1. Should there be less authority at the police station level?	7.73	80.26	12.01	63.01	26.99	10.00
2. Should there be more and faster specialisation in police bureaucracy at the District level?	59.21	10.22	30.57	67.37	10.20	22.43
3. Should there be Police Commissioners in B Class towns?	75.37	16.03	8.60	51.33	11.12	30.55
4. Should a Police constable be a matriculate?	81.22	8.03	10.75	90.11	2.03	7.86
5. Should the post of the Sub-Inspector be upgraded?	77.34	17.38	5.38	72.39	10.32	17.29
6. Should there be special training of line functionaries?	45.11	46.23	8.66	42.27	30.33	27.40
7. Should there be a radical change in the system of detection, prosecution and prevention of crime?	42.17	39.80	18.03	68.35	30.35	1.30
8. Should there be intensive police research and bold experimentation in police administration?	80.91	—	19.09	70.11	—	10.80

should stay untampered.⁴² The non-police people in as many as 63.01 per cent cases expressed a keen desire for change at this level. But even in this category (non-police) the supporters of *status quo* were found in the neighbourhood of 27 per cent of the total sample. The police respondents in the *pro-status quo* group were as high as 80.26 per cent, while the revisionists could claim only 7.73 per cent of the policemen as their supporters. About the problem of policing the urban areas and especially the B class towns, the survey conclusions were found heavily in favour of the commissioner pattern of organisation. The police officials opted for this type of organisation because of its 'image of autonomy' and police independence, about which they were found to have a widely shared common belief almost

⁴²This is in agreement with the conclusions of a syndicate study on "Manpower Requirements at the Police Station", *Transactions*, XIV, November 1970, National Police Academy, Mt. Abu.

bordering on a professional myth.⁴³ The 'do not know' category in the police and non-police samples varied somewhat significantly (8.60 and 38.55) which in a way further implied the common man's ignorance and even disbelief about the commissioner form of organisational reform in urban police administration.⁴⁴ The opponents of this reform in both the samples were almost negligible but the 'yes' votes varied from 51.33 to 75.37 per cent. The difference could be attributed to the uncommitted 'do not know' category in the non-police sample, which exceeded the figures of the corresponding police sample by a margin as high as 30 per cent.

As most of the people believed that the junior functionaries were generally responsible for making or marring the image of the police, the present survey tried to study perceptions about higher educational qualifications of the lowest police functionary, *i.e.*, the constable. It also pointedly asked about the upgrading of the key post of the sub-inspector as S.H.O. of the police station. Interestingly enough, both the kinds of respondents came out with a majority of 'yes' choices and felt very strongly in overwhelming numbers that these personnel reforms in terms of position classification and direct recruitment were long overdue. Of course, the negative category had more of police officials than the non-police people.⁴⁵ This was primarily because the police respondents were comparatively less radical than the non-police respondents, who also felt that the reforms were feasible. A difference of 11.91 per cent in the 'do not know' category of item 2 (*i.e.*, upgrading of the post of the sub-inspector) quite pertinently indicates that when police people deemed it as a welcome reform, the non-police respondents in a larger number had their hunches about further abuse of powers by this functionary. On item 6 about the role of training in promoting better police community relations both the samples were found somewhat unenthusiastic and had their own doubts about its operational efficiency and overall efficiency. Even the figures of the negative vote against special kind of training in police-public relations came approximately quite close to each other

⁴³Almost all the Reports of the State Police Commissions appointed since 1950, have invariably contributed to the development of this myth. The Bihar Police Commission (1961) was especially categorical in its advocacy about the Commissioner System.

⁴⁴The respondents in the non-police sample from the non-commissioner cities and even the junior officials in the police sample confessed that they had very little knowledge about the commissioner pattern of police organisation. Seventyeight per cent of them in the former and 67 per cent of them in the latter categories had not even heard about it.

⁴⁵Even among the police officials, the senior officials, especially the members of the IPS felt strongly about it.

in both the samples.⁴⁶ More policewallas supported as well as rejected the proposition that specialised training was a real way out for better and healthier police-public relations.⁴⁷ Again, the police officials were found more sharply divided about the utility of training programmes and the 'do not know' category in this case was only 8.66 per cent. But this category in the non-police sample being 27.40 per cent was found as highly significant in term of overall comparisons within the sample and between the two samples. The survey results in general were a pointer towards the futility of training programmes as a measure of attitudinal change or attitude building of the lower functionaries of the police hierarchy. Hence, upgrading the key post of the sub-inspector was highly opted for by both the kinds of respondents and this was also very much implied and even logical in the position on item 4, wherein both the kinds of respondents with a majority as high as 80 per cent felt that the police constable should be a matriculate. Both of them maintained that this was not only extremely desirable, but was quite feasible also in the given situation obtaining in the country. Obviously, the protagonists of this reform stood for a reclassification and upgrading of the post of the constable in terms of personnel policy including job risks, responsibility situations, and working conditions at this level of the police organisation.

Most of the persons interviewed for the survey were found especially critical of the procedures, followed by the police administration in prevention, detection and prosecution of crimes and criminals. The study made an effort to discover positions which these critics maintained with regard to certain well-known procedural reforms and the speed with which these were to be introduced and processed.⁴⁸ There was almost a near unanimity on this point that archaic, harassing and process-oriented police procedures were largely responsible for spoiling the police image in India. These procedures were discovered as one of the most predominant factors causing a visible wedge between the police and the citizens. The respondents made a spirited plea to change them through scientific research and bold innovation. The 'no vote' was just nil and even the 'do not know' category was found to be quite insignificant. But this enthusiasm

⁴⁶The negative voters said, "Training in the Indian context has very limited value. Where education has failed, training can accomplish nothing."

⁴⁷Refer to editorial on "New Concept in Police Training", *Texas Police Journal*, Vol. 20, Sept. 1972. Also see G.C. Singhvi, "Police Training Perspectives", *C.B.I. Bulletin*, Vol. 6, Sept. 1972, p. 4

⁴⁸Positions with regard to procedural reforms were tested in the areas like FIR writing, evidence collection, witness system, custody and remand procedures for alleged criminals, etc., as they obtain at present.

for research and innovation to evolve patterns of procedural change was more or less theoretical. When asked how fast this could be done and should basic changes be contemplated at the initial stage, the respondents in both the samples started giving second thoughts to the problem. The totality, the feasibility and the long range repercussions were gleaned as main conditioning factors. The figures are important because 68.35 per cent of the non-police sample was prepared and willing to hazard risks and even plunge into well-thought out reforms of radical nature. The police officials were generally classified as 'conservative' in accepting the dynamics of change.⁴⁹ Pertinently it was not because they tended to lose in the wake of change, but mostly because they had been trained in the belief that the police was an instrument of preservation rather than an agency of change. This was the implication of 18.03 per cent vote in the 'do not know' category of the police sample, while it was only 1.30 per cent in the corresponding non-police category of the sample. The police officials were found to be even eager to subject their fanciful reform ideas to rigorous scrutiny and empirical testing of purposeful research. In sum, when the police as compared to the non-policemen were found more keen, more curious and adequately serious about procedural reforms in their organisation, the latter exhibited more impatience and more irresponsibility in being critical of the undue delay and even non-implementation of some of the agreed reforms.

There is also a socio-psychological dimension of the administration-citizen relationship which pertains to the problem of image which a democratic administration enjoys and projects among its clients.⁵⁰

If the police administration has to improve its image (even without really improving itself) it will have to subject itself to democratic exposure and popular conditionings. The present study revealed that the police and the people in India in the seventies were neither exposed nor conditioned to democratic experience respectively.⁵¹ Nonetheless, they quite seriously subscribe to the view that the Radio, T. V., Press and all other means of mass media were potential weapons in democratic exposure and popular conditioning. To make these two situations available to the administration and to the citizen

⁴⁹The consensus in the police sample was that "the woods should not be missed for the trees. The procedures had to be sacred if the purpose is really noble".

⁵⁰See Loren M. Pitman, "Put your best words forward", *Police*, Vol. 16, Oct, 1971, p. 26.

⁵¹Not a single respondent among both the samples was found to have listened to an academic talk or intellectual discussion on the problems of Indian Police in the Broadcasting Series of AIR.

respectively, the respondents in the two samples were asked to arrange three alternatives in a preferential order; which they attempted as given in Table 9.

TABLE 9

<i>Items on the Questionnaire</i>	<i>Police sample</i>			<i>Non-police sample</i>		
	<i>Yes</i>	<i>No</i>	<i>Don't know</i>	<i>Yes</i>	<i>No</i>	<i>Don't know</i>
Do you think police image can be rendered better						
1. By a systematic, calculated and wider use of Radio, T.V. and Press?	40.11	32.38	27.51	37.32	33.37	29.31
2. By organising special police friendship programmes in schools?	81.35	3.31	15.34	60.05	20.11	19.84
3. By initiating public dialogues on problems of police administration?	37.82	18.11	44.07	67.11	9.32	23.57

An itemwise comparison indicated that there was very little variance in positive votes on item 1. But it tended to increase its margin on item 2 and became fairly wide and visible on item 3. Similarly, the negative options differed significantly on item 2. The 'do not know' category had the highest degree of variance on item 3. In other words, the police officials largely thought that measures to build up a desirable police image or a healthy police-community relationship should begin from primary schools and this would be fair as well as enduring. The non-police participants desired that the vicious circle should effectively be cut through by the initiation of open and public dialogues on the problems of police administration.⁵² To them, this was more important, because it could lead to a more democratic exposure of the police than democratic conditioning of the people. The latter impliedly carried the risk of regimentation, especially when resorted to through schools and controlled media of mass communication. Quite significantly the police officials rated the school approach as more sensible and practical because a majority of them was found uninterested in the manipulation of a manufactured

⁵²Giving a similar suggestion, Prof. Bayley wrote in 1969, "The survey has shown that major parameters of social position are not unyielding barriers to attitude change. As people move physically or socially their views change. This is an opportunity on which government must seize and especially within the student community", Bayley, *op. cit.*, p. 346.

image through Press and Radio. They knew that it was possible as well as easy also, yet according to them such short-cuts had only limited advantages and ultimately ran the risk of disasters of serious nature. Some of them quite candidly maintained that it was better to wait, work and suffer the pangs of slow change rather than to contribute to the existing social psychology of frustrations, so very natural in a lag situation between achievements and aspirations. The non-police respondents also realised the double edged nature of the propaganda-groomed-image and did concede that quiet and sincere efforts at school level were seriously warranted. The 'do not know category' in both the samples was quite sizable and the figures in both the columns approximated quite strikingly. The high effectivity and limited utility of mass media and the long range effectivity and high utility of attitudinal grooming in schools were acceptable to both, but about the question of public dialogue⁵³ on police problems the two exhibited great disagreement based on professional and non-professional approaches respectively. The police officials did not altogether reject the possibility, feasibility and utility of these dialogues in majority of the cases while the non-police respondents almost rejected the reverse proposition. The former thought that the pre-conditions conducive for such democratic dialogue did not exist in the Indian society, and if an experiment was hazarded, it would result in deterioration rather than betterment of the present image of the Indian Police. Still quite a large number of them preferred to stay in the 'do not know category' with little opposition, provided the public dialogues were launched with thoughtful planning and imagination rooted in experience. On the contrary the non-police participants of police administration found it as the surest method of image improvement. To them the policeman was to be democratised, not only in terms of popular control, but he should directly appraise the people and their leaders about his difficulties and other possible mischiefs and intrigues of others in the administration to which he might fall a victim.⁵⁴ The demand for public dialogue was made by enthusiastic non-police people in all consciousness about the responsibility and dangers of mutual mud-slinging that it might entail in the beginning. They preferred it as a lesser evil and even the 'do not know category' also liked to be on the 'yes' side, if certain precautionary measures were assured, if not guaranteed.

At the third level of inter-personal relationship, the present study sought to discover the critical areas where efforts could be concentrated

⁵³P.D. Sharma, "Law and Order Administration: Challenges of the Seventies", *Indian Journal of Public Administration*, Vol. XVII, Oct-Dec. 1971, pp. 754-85.

⁵⁴See "Police and Elective Bodies" Syndicate Study, *Transactions*, October, 1963, Mt. Abu, National Police Academy.

to improve police community relations. The sample showed a general awareness about the fact that healthy police-community relations could endure only, when they were built on a continuous basis and had some kind of inter personal and direct relationship of participatory nature.⁵⁵ The existing position being negative, and still more charged with prejudices, it was the most difficult field to enter. But the respondents in both the samples accepted in positive terms that under the given situations of rural milieu and cultural values, it had to be undertaken, if the police in India wanted (or even if only wished) to project its image of a friend and well-wisher of the people at large. This police-people confrontation or participation or co-operation in the administration of order and prevention of crime would specially create new roles of the opinion leaders, as middlemen. They might be traditionally influential caste people or directly elected popular representatives in the democratic system. The persons interviewed and covered by the present study accepted the formal and informal roles of both the kinds of opinion leaders, who according to them were already playing a decisive role in carrying tales about police behaviour. Consciously as well as unconsciously, these leaders were legitimate image-builders and rarely were they questioned about the veracity of their versions. Should police always contact people through these opinion leaders or not? If so, in what manner should these contacts be rendered continuous and involving?⁵⁶ The answers of our respondents are given in Table 10.

TABLE 10 SHOULD POLICE APPROACH PEOPLE ABOUT PROBLEMS OF POLICE ADMINISTRATION

	(in percentage)	
	<i>Police sample</i>	<i>Non-police sample</i>
1. Through direct audience with the people at large?	11	52
2. Through elected representatives of that area?	42	41
3. Through traditionally influential people of the place?	47	7
	<hr/> 100	<hr/> 100

The answers revealed that 'direct audience' was not the 'right'

⁵⁵C. J. Brande, "Improved Police Community Relations", *Police*, Vol. 16, October, 1971, p. 62.

⁵⁶"Personnel Approach to Police Public Relations", *Police*, April, 1972, p. 2.

and 'practical' approach with the policemen, who heavily voted for item 3.⁵⁷ On the contrary, contact through traditionally influential people was not acceptable to the people, who saw more effective redressal of their grievances in the direct-audience approach. Strikingly enough, both the samples came quite close about the democratic approach of popular contact through political representatives.⁵⁸ Besides being an index of political modernisation, contact through political representatives symbolised the legitimisation and stabilisation of democratic process in the countryside. Our study demonstrated that notwithstanding the image of the political leaders in the country and all kinds of stories prevalent about the police organisation, all the professional as well as non-professional participants in the police administration accepted the police-people relationship operating through legitimate political leaders as normal and even healthy. Out of several good suggestions offered by our respondents to better police-community relations, the following figured prominently in both the samples of our study.⁵⁹

1. Constitution of small citizens' committees with elected political leaders as chairmen.
2. Monthly or quarterly visits by elected political leaders to police stations in an informal manner.
3. Public audience by senior police officials, including public speeches along with other leaders of the area.
4. Public display and inspection of some documents and police records to remove popular misgivings.
5. Fixed visiting hours and periodic sittings of police officials and opinion leaders collectively to review problems of law and order in the area.

These suggestions, whatever their worth may be brought to light

⁵⁷Most of the policemen said, "The traditionally influential people in rural India being God-fearing are reliable and communicable for police purposes which is not the case with the elected representatives."

⁵⁸Several rural leadership studies conducted to evaluate the working of Panchayati Raj institutions have established that people and public servants have been critical of leadership behaviour but they do accept the elected representatives as legitimate masters, who should be replaced only through the polls. See V. M. Sirsikar, "Leadership Patterns in Rural Maharashtra", *Asian Survey*, 4(7) July, 1964, pp. 929-939; and Ranjit Choudhry, "Patterns of Leadership in West Bengal Village", *Economic Weekly*, 16 (4) April, 1964, pp. 641-44.

⁵⁹Also see Dr. K.V. Rao's working paper on "Recruitment and Training and other Related Matters of the Indian Police", *Journal of the Society for Study of State Governments*, Varanasi, July-December, 1972, pp. 179-205 and S.C. Misra, "Police Administration in India," *op. cit.*, pp. 183-220.

the fact that public image in a democracy could not be improved by secretive methods and confidential systems.

The data presented in the preceding pages sought to discover, examine and analyse the present image of police administration in India on a comparative basis. The hypotheses postulated and tested in this study were based on common place experience and common-sense interpretation of the phenomenon. They have meaningful bearings on the larger problems of police administration in India. The study had established the conclusions as given in Table 11.

TABLE 11

<i>Hypotheses</i>	<i>Police sample</i>	<i>Non-police sample</i>
1. The image of police in India can generally be called foul.	Invalid	Valid
2. People are mostly hostile to police.	Invalid	Invalid
3. Police are mostly hostile to people.	Invalid	Valid
4. Politicians are responsible for present image of police in India.	Invalid	Valid
5. The history of police has been responsible for the foul characteristic of the image.	Invalid	Invalid
6. The present image of police is rooted neither in reality nor in rationality.	Valid	Valid
7. Police according to people is mere authority to be hated.	Valid	Invalid
8. Police procedures and methods are not purpose-oriented and are out-of-date.	Valid	Valid
9. Training of junior police officials can effect the desired change.	Invalid	Invalid
10. Mass media should be used to improve police image in India.	Invalid	Invalid
11. The positions of S. I. and constable should be upgraded.	Valid	Invalid
12. Political leaders should mediate between police and the people.	Valid	Valid

To sum up, a trend analysis can be attempted here. It is true that there has been a large area of positive disagreement between the police officials and the people in general and their perspectives differ widely yet they agree on the fundamentals pertaining to police administration in India. For instance, both of them believe that "the present police image in India is far from satisfactory and needs to be improved". In their judgment, the younger generation of police officers is not only qualitatively better, but professionally committed to the goals of their organisation. According to them, there is an absolute and immediate need for empirical research on police problems and modernisation of the force has to be effected in pursuance

of a well-conceived policy of reform designed with sophistication and imagination. Both the groups, notwithstanding their differing assessments about the role and the present calibre of political leadership, broadly agree that it has the key role in the functioning of the system and that it should be accepted as legitimate by the administration. Similarly, both the groups quite clearly perceive and realise that an intelligent and subtle use of mass media can improve the present-day image of police in India. But they summarily reject the idea of manoeuvred projection of police activities as a desirable measure. The two groups do not find training as an effective and useful instrument to mould attitudes and induct behavioural change in the functioning of the police bureaucracy. They do not think that any structural innovation of nucleus nature can be experimented upon in the given politico-cultural milieu of the Indian society. Quite contrary to the commonsense expectations, both the police and the non-police groups maintain that availability of funds or enhanced budgets for the growing police force in India are not such menacing problems, as compared to the problem of high priority acceptance of personnel reforms in police, which have been rendered indispensable by the pressures of democratic changes and developmental tensions among various pockets of Indian society.

About the disagreement area, it is interesting to note that the police officials do not think that their image is really foul or that of a corrupt and harassing organisation. They refuse to accept this widely shared belief about their behaviour, obtaining amongst other sections and professions of the Indian society. The non-police people think that the politicians use the police for their petty political ends and the latter operates as an instrument of exploitation, repression and harassment at the instance of the former. That the policemen seek to curry favours from the politician is an allegation which the police officials categorically deny. They blame the intelligentsia for being apathetic and non-cooperative. To them the masses in general are more of an indifferent lot, rather than hostile partners in the game. It is highly significant that police officials as a group and as guardians of law and order do not think high of the younger generation of citizens, while it is just the other way round, if the citizens are to assess the younger police officials. Moreover, the police and popular perceptions about image-tarnishing factors differ widely. To policewallas, the lack of funds and popular non-cooperation are not so serious handicaps as the mounting pressures of work and responsibility that expose them to all kinds of image hazards. To common people, most of these factors emanate from the ill-paid, low status and poor educational calibre of the junior functionaries of the Indian Police. In other words, unlike the non-police people, the police approach for

change, innovation and reform is more structure-oriented than personnel-oriented. They are the votaries of slow, gradual and piecemeal change in a phased manner. This is in contravention to what the people at large desire or envisage. The police officials prefer an evolutionary and stable change through school system rather than through open and public dialogues on police problems. To them the present situation is a lesser evil and the way out should not be thought of as a greater evil. Like all good professionals, the policemen in India have also developed vested interests in the game. The winds of democratic upsurge have shaken them considerably and naturally they do not tend to defend or preserve the system on any rational grounds.

CONCLUSION

In sum, it can be concluded that police officials in India are adequately knowledgeable about their own image. They are widely conscious about the organisational and environmental reasons, for their being in the present situation. They have a reasonably strong desire or even will to do something for the betterment of this image. Yet they are fairly conservative and have strong professional biases to keep their structure closed and insulated from the rocking winds of change. On the other hand, the common man or the non-police-man in India has very strong and deep prejudices against the police. His predilections are neither rooted in objective realities nor have they any basis in empirical rationality. He is highly impatient to expedite democratic control over the police, even at the cost of avoidable crises. He also has very sincere sympathies with the lot of the junior functionaries of the Indian Police. But nonetheless, he views any increase in police powers with a great amount of scepticism, suspicion and even alarm. He has his own strong reasons to democratise and humanise police bureaucracy through public debates and direct political control over the police through popular representatives. A reform strategy for modernisation and purpose orientation of the police organisation in India needs to be based on proper understanding of these attitudinal value premises and structural 'givens' of the systems, as they obtain after more than two decades of freedom in India. □

Citizens' Grievances Against Police Dimensions and Strategies*

G. C. Singhvi

THE FIRST requisite to evolving enduring strategies for solving a problem is unmistakably an understanding of its multiple dimensions and since citizens' grievances against police is very much a live problem, let us proceed with elaborating upon its dimensions first.

That which most of all distinguishes police from many other departments is that police is a personal service primarily dealing, as it does, with human beings, their lives, liberties, emotions, and sentiments. A man feels he has been slighted if he is called to a police station. A man wrongfully arrested would never forgive the police. A man in any other way harassed by the police would always be an arch enemy of the police. And rightly too.

(The role the police is required to play in society is rather a negative one. If peace and tranquillity reign supreme in the jurisdiction of a police station, the credit therefor goes to the people for being peace-loving. On the other hand, if there are disturbances, the discredit therefor goes to the police and the latter are said to be ineffective.)

Police are concerned with the criminal law (and the criminal law unlike the civil law deals with public wrongs). (A major portion of police work comprises prevention of crimes, investigation of crimes and prosecution of offenders all of which are undeniably quasi-judicial in nature. And this work unlike the judiciary's functioning is not insulated from criticism.)

The police clientele changes its character very often. Today a man may come to the police as a complainant, tomorrow as a witness and the day after as an accused person. Similarly at all times police come in touch with (nay even draw upon) persons who may from their angle be disinterested, indifferent, and unconcerned onlookers.

*From *Indian Journal of Public Administration*, Vol. XXI, No. 3, 1975, pp. 404-20.

As a victim of a theft case a man would like the police to give a thrashing to the suspect or suspects and if they fail to do so they will be dubbed as deplorably inactive. As an accused person (or a relative of an accused person) the same man will cry at the top of his voice saying that the police are atrocious and uncivilised even if they have done nothing other than using harsh language. Both ways police are subjected to conflicting value judgments. Both ways grievances are nursed against the police.

Thus a person's attitude towards the police is inexorably conditioned by the treatment meted out to him in the particular position in which he is placed by circumstances. And this position is liable to change. That is why the policeman finds himself squarely confronted with one of the major dilemmas of the day—he is damned if he does and damned if he does not.

As a people we fear executive authority and police is so prominently associated with executive authority in the public mind that it is but natural that it should find itself more narrowly restricted than most of other departments of civil government. The very idea of regulation (which does entail interference with somebody's way of life), even though it may be legal and moral, hurts. No human being likes to be interfered with. To a cyclist or a motorist even an innocuous red traffic signal acts as an irritant. Regulation itself is sometimes posed as a grievance but at others it is at the back of the mind of the person concerned when other grievances are projected.

People expect too much from a policeman. In no other profession is there a demand for the integrity expected of a policeman by those he serves. And this results in exacerbation (rather than a resolution) of conflict between people and police. If a merchant, banker, lawyer, engineer or any other person falls from the pedestal of public respect, the citizen may dismiss it as one of the frailties of human nature. When this happens to a policeman it usually makes headlines even if it is the most routine of human frailties. Being in khaki uniform the policeman is always conspicuous and comes to the notice of everybody even though he may not like it. And quite interestingly any failing—obscure, unpredictable or unavoidable on his part therefore attracts adverse attention.

Then again it is the policeman's lot that an overwhelming majority of the criminals with whom he has to deal are men who live in an atmosphere of vice and fear—fear of the police, fear of each other and fear of society as a whole. It is the seamy side of life with which the policeman comes into close and intimate contact. And these facts do produce a visible impact on police attitudes towards the citizens and citizens' grievances against the police. A supporter of police in press or on platform is viewed with deep suspicion. It is a stark social

reality and leaves us groping and looking askance for finding a way out.

All in all, although the phenomenon is far too complex, these peculiar features of police working explain why the grievances against the police exist in larger number and with greater intensity than they exist against other departments of the government—a fact which, I contend, makes the malady all the worse and calls for a strong medicine.

Let us now attempt to ascertain what is the ontology of citizens' grievances against the police. For triggering a thinking on the subject I would instead of generalising about the issue go from the particular to the general. (Generalities they say are intellectually necessary evils). And to that end I will cite a wide spectrum of specific grievances, worst of the lot drawn from actual experience, in the earnest hope that it may introduce some semblance of order into a sprawling problem.

In a case of murder registered by the police, although there was no trace of the dead body, the police under the influence of the local political leaders arrested three suspects, who, a little later, after the recovery of the dead body, were found to be witnesses in the case rather than miscreants.

In a case of theft got registered with the police by a very influential man, some stolen property worth thousands of rupees was recovered after about a fortnight of the registration of the case. The influential complainant wanted that the list of the recovered property be planted by interpolation on to the investigation file as the list of stolen property days before the recovery. And when this intemperate wish was not complied with, the conceited complainant felt considerably aggrieved against the police.

In a case of rape, the real culprit was arrested by the police and then for ulterior motives released. Thereafter another man of the same name was arrested and he too was let off and the investigation of the case shamelessly closed under a final report. The grievance against the police was that the accused person was let off in a heinous case of rape.

An office bearer of a political party was harassing the villagers and had belaboured them. Under his evil influence no case was registered by the police. The villagers justifiably felt aggrieved.

In another case of burglary committed in the house of an MLA and being investigated by the police, the investigator to gain the goodwill of the MLA kept him physically by his side in the course of the investigation. At a stage the suspect under acute police pressure confessed having committed the burglary and was prepared to take the investigator to the nearby jungle to get the stolen property recovered at his instance. At this crucial stage the MLA jubilantly left

the police station. Subsequently the accused person's version turned out to be a ruse which the MLA was not prepared to believe in. The case then took an ominous turn. The aggrieved MLA has since then become irreconcilably antagonistic to the police.

A school teacher, a victim of a theft, went to a police station. The police station officer spoke to him very courteously, registered the case and assured him of all possible police help. A fortnight later, to his utter dismay, the complainant came to know that his case had not even been registered and a bluff had instead been administered on him. He, therefore, had a genuine grievance against the police.

An executive officer of a private firm went to a police station alleging that he was called bad names and slapped by a petroleum dealer. The police station officer asked him to approach the court of law. He thereon got so much annoyed that he drove straight to the district superintendent of police and complained against the police station officer. The district superintendent of police patiently heard him and explained to him what a cognisable crime is and as his allegations made out a non-cognisable crime, the police could not have registered a case. He went away quite satisfied, but till then he had an inclement grievance against the police.

In a case of robbery, the complainant maliciously to implicate some three persons who were in fact not the culprits, named them as accused persons. The police station officer, being in league with the complainant, arrested those three persons. Obviously these three persons and their friends and relatives felt very much aggrieved by the action of the police.

In a case of dacoity the police investigator subjected a suspected person in his (police) custody to such a torture that he fell unconscious. Taking him to be dead, the police threw him in a well and threw heavy logs of wood after him so that the dead body may not float. When the chilling facts came to light, a shock reverberated through the district and the local police for the time being irretrievably lost their reputation.

Members of a police patrolling party in a city raped a woman of loose character found in suspicious circumstances. A police station officer got the owner of an adjoining tea stall arrested under section 109 of the Code of Criminal Procedure 1898 (for allegedly being a bad character) for the sole reason that he did not oblige him by promptly supplying tea to his guests.

Multiply these deprecable and awesome instances a thousand times and one inescapably begins to understand the real meaning of citizens' grievances against the police just as if we recount the hundreds of thousands of pieces of highly commendable work accomplished every year by the police all over India one would understand

and appreciate the real social service the police render to the citizens. Anyway as in this paper we are understandably not concerned with police achievements but are instead concerned with citizens' grievances against the police, the above enumeration of the grievances let us assert, leads us to the axiomatically valid inference that citizens genuinely feel aggrieved with the police when the latter (who are former's servants) fail firmly to render a legitimately free and just service that too with a smile to the former (who are latter's masters). The degree of the masters' feeling, it may pertinently be added, will invariably be commensurate with the degree of the servants' failure. These simple statements, in a nut shell, constitute what could be termed as the theory of citizens' grievances against the police.

It has to be appreciated that when such startling, gruesome and horror-producing grievances against the police come into sharp focus of the people, they with all the vehemence at their command decry the police as inhuman and barbarous. All this in turn creates a credibility gap between the public and the police and has a deleterious effect on police administration in general and public-police relations in particular.

In the grim backdrop provided by the specific instances cited above we arrive at the critical function areas in which the citizens' grievances against the police could for the sake of convenience of discussion be arranged.

Registration of Cases

Police station officers to keep crime statistics low, may tend to avoid registration of cases or enter as non-cognisable/civil a case which is actually a cognisable crime. At the time of registration of a case, bribe may be demanded from the complainant. Stationery may be demanded from the complainant for preparing the case file of investigation. Abusive language may be hurled at the complainant. Delay may be practised in the registration of the case. If some person has sustained some injury and even though the facts may make out the commission of a cognisable offence the injured person might be referred to the medical jurist for medical examination without registering a case. In case the crime committed is a non-cognisable one, the police station officer may not care to explain the difference between a cognisable and a non-cognisable offence with the consequence that the person who came to the police station with the complaint would have a grievance against the police.

Investigation of Cases

Investigations may be conducted by low-paid police officers of the rank of constables and head constables who are hardly equipped

by temperament or training for investigating crime and who as such invariably fail to inspire any confidence. The investigating officers may not reach the scenes of occurrence expeditiously and in time. Investigations may be conducted in a slipshod manner. Investigations may be kept unnecessarily pending and for long. Evidence may be fabricated under the pretext that it would be in the interest of the case. Bailable offences may be converted into non-bailable offences and *vice versa*. Wrong persons may be involved and right persons left out. Cases deserving to be put in the court may be dropped and those deserving being dropped may be put up in the courts. Persons may wrongfully be arrested or confined. Witnesses may be wrongfully detained and harassed. Even the complainants may be harassed. Witnesses may be called to police stations and not paid any witness expenses. Section 160 (2) of the Criminal Procedure Code (Cr. P. C.) 1973 confers an enabling power on state governments to provide by rules for payment of expenses to witnesses called by the investigating police officer. Thus things may improve once these rules are framed and started to be implemented.

Prosecution of Offenders

Court witnesses in police cases may not be paid witness expenses even though they, according to law, are entitled. This could be ascribed to a failure on the part of the courts but the blame goes to the police because witnesses come to the court in police cases and think that the police do not get them the expenses. Case property is not entrusted to the rightful owners by the courts for years because of the pendency of the cases. Here again since the property was recovered by the police, the grievance is nursed invariably against the police. The police prosecutor (now the assistant public prosecutor) may take side of the accused person leaving the complainant aggrieved.

Preventive Action

Stranger bad characters can according to the law (section 109 of the Criminal Procedure Code 1973) be apprehended. These provisions may be misused bringing a bad name to the police. Indiscriminate proceedings may be launched under section 110 of the Cr. P. C. (cases of bad livelihood). In case of promulgation of orders under section 144 Cr. P. C. and in action under section 107/117 Cr. P. C. and 145 Cr. P. C. the police may submit their reports in favour of the wrong doers rather than in favour of the aggrieved persons.

Peace and Order

In traffic and crowd control, favouritism may be resorted to. In dealing with riots and agitations the police may dilly-dally resorting to the use of force and as a result may have to resort to firing when things get out of control. Here the citizens' grievance would be that the police in the beginning were too 'soft' and in the end too 'hard'. In industrial trouble the police may side the industrialists to the disadvantage of the labour. The local police may dabble, unofficially though, in matters which are of a purely civil nature like getting a house vacated by a tenant at the instance of the landlord and getting payment of debts made by the debtors to the creditors. And in the bargain the police earn the disapprobation of the people.

The grievances which the people nurse against the police could from the angle of the nature of the grievance, accordingly further be delineated in the following groups:

- (i) Corruption : Demand and acceptance of bribery in cash or kind for doing or not doing things.
- (ii) Favouritism : Doing or not doing things for obliging people in power or people who matter.
- (iii) Third degree methods : Beating, torture, wrongful confinement or harassment of suspects and or witnesses.
- (iv) Discourtesy : Use of abusive language or other type of misbehaviour.
- (v) Neglect of duty : Not doing things which the law requires the police to do.
- (vi) Ignoring the poor and the uninfluential citizens' genuine complaints.
- (vii) Fabrication of evidence : Padding up of cases.

These classifications provide a broad conceptual framework and help us determine the principal issues. It is worth underscoring that it has been in view of the unquestionable existence and cumulative impact of these grievances (the exact extent of which has neither been precisely worked out nor could it probably be worked out with certitude) that the police are facing credibility crisis on the citizens' grievances front and that by and large they do not enjoy the trust and confidence of the people. The outlook is bleak indeed.

VENT OF GRIEVANCES

How do the grievances against the police come to light and what is the machinery for ensuring redressing of these grievances ?

To start with, the aggrieved individuals may submit complaints

oral or written (signed by the authors) to higher authorities of police, the politicians, elected representatives of the people, the ministers, the courts, or the press. In the alternative they may submit anonymous complaints to all these authorities excluding of course the courts (where anonymous complaints are not entertained). The aggrieved individuals may not resort to the submission of complaints but instead may enter into a whispering campaign highlighting their grievances against the police. The aggrieved individuals, if their number is quite large or if they are influential, may resort to group action also for projecting their grievances against the police. The group action could take the form of either submission of petitions or resorting to an agitation by taking out processions and shouting slogans.

Grievances against the police when they come to the notice of the politicians might also be projected by them either on the platform through speeches or through written or oral complaints submitted to the superior police officers or ministers. The politicians may also take to lobbying—say whispering campaign for the purpose of bringing to light the grievances against the police. The press also plays a significant part in this behalf. The grievances against the police may be projected by the press through newspaper reports, articles, editorials and letters to the editors. The grievances may also be put up on the floors of the Legislative Assemblies/Lok Sabha/Rajya Sabha. MLAs and MPs may put up questions, table adjournment motions and give vent to their views in the course of discussion on the budget proposals. The grievances against the police which in this manner come to light on the floor of the legislatures get quite a wide publicity.

It would thus appear that the grievances against the police come to light in a variety of ways, but instances are not wanting where people prefer to acquiesce in grievance rather than highlight it. And there may be sound reasons therefor—inaction on the part of the police not being ruled out as the foremost reason. In sum, however, one should be inclined to think that no grievance against the police is likely to go unnoticed. This is a fact which all the police officers should always bear in mind.

Just as it is necessary to know how the grievances against the police come to light, it is also equally necessary to be acquainted with the machinery that exists for listening to the grievances against the police, conducting enquiries thereupon and finally redressing the grievances. To start with, there is the police departmental hierarchy consisting of the inspector-general of police and additional inspectors-general of police of the state, the deputy inspectors-general of police of the ranges, the district superintendents of police, the additional

superintendents of police, the inspectors of police and station house officers of police stations. These officers are expected to listen to the citizens, grievances against the police, conduct enquiries into them and ensure redressing of the grievances.)

(The criminal investigation department (CID) of the state police has a crime branch and a special branch each. These branches have their officers located at convenient centres and the inspector-general of police gets important complaints and grievances against the police looked into by them. The state CID crime branch actually has a special complaints section which specialises in this type of work. In the same way, the district superintendent of police has also a special branch or investigation agency at his disposal.) They too help the district superintendents of police in this behalf. Thus there is a wide network of departmental hierarchy for looking into and redressing citizens' grievances against the police.

(Next comes the anti-corruption departments of the states and the special police establishment of the central bureau of investigation of the Union Ministry of Home Affairs. These are specialised organisations for looking into the allegations of misconduct and corruption against government employees and other public servants serving in connection with the affairs of the state governments and the Union Government respectively. These agencies, though invariably manned by police officers, are not directly under the police departments and do not deal with complaints only against the police. All the same the fact remains that they entertain and deal with complaints of misconduct and corruption against police officers also.) The fact that these agencies are manned by police officers has actually enhanced their effectiveness against police officers because by their training and temperament they know the methods of police working and find it quite easy to lay hands on the right spot. Stated differently they help a lot in stemming the rot.

(In line with these organisations are the lofty vigilance commissions of the union and state governments. (They are now being replaced/supplemented by Lokpals and Lok Ayuktas). They deal with complaints against public servants and the agencies invariably utilised by them for conducting enquiries are the Special Police Establishment of the Central Bureau of Investigation of the Union and the Anti-Corruption Departments of the States.)

(The administrative vigilance departments and the public grievances departments also do not lag behind in playing an important role in listening to the grievances against the police and other departments alike and ensuring their redress.)

The judicial courts and the executive magistracy also get ample opportunities to listen to and order redressing of grievances against

the police. A copy of the FIR (First Information Report) is sent to the trying magistrate by the police station concerned. Every arrest and every search by police is reported to the magistrate. A person arrested has to be put up before a magistrate within 24 hours of the arrest. The arrested man can be kept in police custody for 15 days in all and that too under a magistrate's order. If the case is put up by the police in the court, the trial of the accused person or persons is conducted by the judicial court. If the case is dropped by the police under a final report that report too is perused by the magistrate concerned. Granting of bail to persons in police custody is the job of the courts and magistrates. On the conclusion of the trial of a case convicting or acquitting the accused person is also within the powers of the courts. So also they can pass strictures against the police. And due note is taken by the governments, and the police departments of the strictures passed against police officials by the magistrates and the courts. Thus the executive magistracy and the judicial courts play an important part in listening to and redressing citizens' grievances against the police.

The part played in this respect by the agencies which help in bringing to light the grievances against the police also cannot be underestimated. Specific mention may again be made in this behalf of the press and the legislatures. By helping grievances against the police come to light they help a lot in their redress also.

This discussion would reveal that just as there are very meagre chances of grievances against the police remaining in the dark, there are very little chances of such grievances remaining unattended to also. Even despite that, people and powers that be feel that no tangible headway has been made on the front of redressing citizens' grievances against the police. The fault therefore perhaps lies with the machinery which exists for the purpose, and goes to show that the machinery has not been functioning as properly as it ought to and as such requires an overall oiling (activating) and may be a complete overhaul here and there.

NEED FOR CHANGE IN POLICE ATTITUDE

Not allowing the grievances to come into being is better than and preferable to redressing of grievances just as prevention is better than cure and contraception is better than abortion.

Broadly speaking, prevention of grievances against the police could be ensured if the police hear the people patiently and with due respect, are courteous and polite in their behaviour, entertain and register citizens' requests according to law, have competent men in adequate numbers and other requisite resources to deal with those requests, and in reality deal with those requests according to law and

morality and put their heart and soul in their work.

If the above courses of action are adopted by all police officers and if citizens also do their duty and cooperate with the police in their right actions, there would perhaps be no grievances against the police. This, however, is a sheer simplification of the problem and no more than stating the obvious like the axioms that if all men are honest there would be no corruption, or if all men are pious and God-fearing there would perhaps be no crime. For, human beings, as police men are, are neither perfect nor always ethical. One does not always assimilate the truth of an ethical precept the way one grasps the truth of a mathematical solution. One's capacity for doing good is limited by the amount of wisdom one can acquire during one's life time. So we have to think of curing and redressing. And let there be no mistake. The phenomenon of curing and redressing in its own way serves as an effective deterrent against the causes which give rise to grievances against the police. They thus have their preventive value as well.

For preventing and redressing grievances against police the overall tone of police administration has to be improved and improved tremendously. It is rapidly becoming a truism today that administration grows not only in size, dimension and significance, but also in lethargy, indiscipline and incompetence. What is needed is that the growth should be as much intellectual and methodological (without any fanfare) as it is physically horizontal and vertical. This could be achieved by expanding the horizons of police administration and inducting professionalism therein.

With a view to creating an enduring police fabric we have simultaneously to think of its potent components like recruitment, education, training, compensation, allocation, promotion, placement, work procedures and methods, scientific aids to efficiency, decision-making, management, coordination, delegation, communication, supervision, motivation, morale, public relations and publicity, and finally having and projecting a good and likeable image of the police. Improving police hardware (and talks about it are becoming quite commonplace) it may be stressed, has its own importance but more meaningful and significant almost an essential pre-condition for a genuine modernisation is improving the policemen, particularly those who are at the bottom of the police ladder. Given the necessary and appropriate physical and management inputs, the Indian police is fully capable of delivering the desired output.

While going through the existing practices on each one of the above items we should always and unquestionably focus our attention on whether they are prone to giving rise to or redressing citizens' grievances against the police. Once we develop a coherent picture

in our mind, our endeavour while bringing about meaningful improvements under each one of these headings should always be to minimise the citizens' grievances against the police. (These obviously cannot be eradicated altogether. Such attempts are most likely to prove futile and abortive).

The high sounding and new fangled machinery for redressing of grievances against the police like a police ombudsman, police grievances commissioner, police complaints officers, etc., for installation of which views are blindly borrowed from advanced nations, would be an unnecessary and redundant addition to the existing hierarchy. For they fit neither the needs and circumstances nor the pocket books of our (importing) country. Redressing of grievances is the job of the higher formations in the established hierarchy. They should specifically be made responsible therefor. Their involvement in redressing of grievances should be total. Nothing should be done to wrest this responsibility from them. They can do full justice to it. Proliferation of agencies is no solution, and even if it were, a poor country like ours can ill-afford the same. Moreover the time for sensations is about over; now we need rigorous analysis, united effort and very hard work.

No elaboration on the subject of grievances against the police and their redressing would perhaps be complete unless it is rounded off by certain specific strategic suggestions which may tend not only to boost up the credibility of the police but also positively help redressing of citizens' grievances against the police. Giving an inventory of all such strategies would not be feasible in a treatment of this type. Anyway, a few core strategies which the author thinks are operationally significant are incorporated in the ensuing paragraphs.

A perennial campaign needs to be launched for ensuring free registration of crimes at police stations. (The word free denotes unrestricted). As a part of the campaign certain tangible steps shall have to be taken. Dull, dry and drab statistics are principal obstacles in police progress and should have no place in evaluation of personnel performance in police departments. Too much judging of the results of police investigations, prosecutions and preventive action by statistical standards has encouraged police station officers to suppress crime so that they may be enabled to project a rosy picture of the crime situation of their charges which indeed is mournfully lamentable. This turbulent wave is unmistakably straining to break the police departments from within. The police stations should be provided with adequate men, money and material. The strength of police force should always be commensurate with the 'crime' and 'order' workload. They should be provided with requisite and adequate means

of transport and communication. Stationery and forms should also be supplied to them in reasonably adequate quantities. The district superintendents of police should send informers as bogus reporters of crimes to police stations to find out if reports relating to crimes are freely entertained by the police station officers. Registration of cases by issuing FIRs without numbers in the offices of the district Ss. P. and village panchayats should also be considered.

It is indeed gratifying to note that in the Criminal Procedure Code 1973 a new sub-section (3) was added to section 154 at the stage of passage of the Bill in the Rajya Sabha as a check on the refusal of the police for recording FIR. In such an eventuality the aggrieved person has been given a right to send his information by post direct to the S.P. for investigation.

In the same vein no injured person should be referred for medical examination without registration of a cognisable case. If the police find a case to be a non-cognisable one they should say so and refrain from referring the man for medical examination.

To infuse a spirit of courtesy in police it needs be instilled in the police trainees as well as the serving police personnel that while courtesy costs nothing, its practice (not the preaching) does win people and bring them to the side of the police. Each man has to learn and apply ethical truths for himself. Mere lectures do not therefore always have the desired impact and it is almost invariably a mistake to deal with the ethos of police service by means of straight lecture. Short case studies on incidents which illustrate typical situations and lead through discussions to a sharper awareness of the everyday importance of ethical standards in police should be ideal for imparting training in courtesy. A generalised understanding must emerge from experience of the particular.

The police stations should wear a neat and clean look which may encourage people to come to the police stations for lodging reports. Police stations wearing an "abandon ye all hope those who enter here" look are not conducive to good police administration. At city police stations (registering crimes in hundreds) there should be a reception room with a charming receptionist in attendance.

Proper investigation of crime, prosecution of offenders and prevention of offences should be ensured by the police departments. Investigations should not be entrusted to an officer lower in rank to that of an assistant sub-inspector of the police and he too should not be a recipient of a basic salary of less than Rs. 250 per mensem (1974 standard). Scientific aids to— investigation of crimes need a tangible stimulus so that third degree methods may slowly and gradually wane. The training of police officers needs to be social and physical science oriented. The *modus operandi* and finger print system should become

a way of life for police investigations. Persons who are not law graduates should not be appointed assistant public prosecutors and entrusted with the prosecution of a criminal case in a judicial magistrate's court. The salaries of APPs should be made so attractive that men competent to face defence lawyers may tend to get attracted to join the prosecution branch. The workload of the APPs should be in conformity with the established norms.

To prevent spurious preventive action by the police, false and inappropriate cases under sections 109 and 110 Cr.P.C. need to positively be discouraged. The police should be restrained by executive instructions from intervening except under a magistrates' orders in cases of apprehension of breach of peace (sections 107/117 of the Criminal Procedure Code 1973).

It is quite pertinent to note that many grievances against the police emanate from police enthusiasm over the investigation of cases and prosecution of offenders. To secure better percentage of detection of cases, conviction of offenders and recovery of stolen property, the police try to extract confessions by resorting to third degree methods. The police should not forget that they are prosecutors and not persecutors and that this misplaced enthusiasm on their part undermines their authority and capacity to do good to the people they are supposed to serve. In other words, it goes contrary to public interest.

Right of an arrested person to be informed of the grounds of his arrest forthwith and of his being entitled to be released on bail in a bailable offence (and that he may arrange for sureties on his behalf) has only now been conceded by section 50 of the Criminal Procedure Code of 1973. Similarly, a provision has been made for examination of an arrested person by a medical practitioner at the request of the arrested person (section 54 of the Cr. P.C.). These new provisions show that till 1973 the arrested persons did not enjoy these basic rights. The Constitution of India as also the Code of Criminal Procedure should now confer a positive right on an arrested person to consult a legal practitioner of his own choice, and of his being informed of this right immediately on arrest. The conferment of these statutory rights will tend to protect citizens against illegitimate or arbitrary arrests and thereby citizens will, to that extent, have less grievances against the police.

The departmental supervision in the police department must inevitably be very effective. Inspections by superior police officers should be in the form of regular audit of maintenance of record, performance and efficiency. In course of inspections and otherwise (by way of surprise visits) the sub-divisional police officers (SDPOs/ circle officers) should visit wards of towns/cities and villages to ascertain if police work is being done on the right lines.

The supervising officer for the police station (SDPO or CO) prepares a digest of the cases being investigated at the police station with a view to exercising checks and control over investigation of crimes. This digest should be done and written by the supervisor at the police station so that many matters could be solved by personal discussion with the investigating police officers. This would necessitate more frequent visits of the supervising officers to the police stations which in turn would be a plus point for redressing of citizens' grievances against the police.

Once every quarter in 10 per cent of cases being put up in the courts of law the accused persons should be contacted by the SDPO or the circle officer and likewise in 10 per cent of the cases in which final reports have been issued, the complainants should be contacted to ascertain if they have any grievance.

There should be a time limit for the completion of investigation. The SHO of a police station should have no power to carry on the investigation of a case beyond 60 days without the permission of the SDPO (upto 120 days), of the district S.P. (upto 180 days) and of the Dy. I.G.P. of the range (beyond 180 days). Some progressive provisions have been incorporated in this respect in section 167 of the Cr. P.C. 1973. The provision to the effect that total remand to police and judicial custody together will not exceed 60 days and the accused persons shall be released on bail thereafter would make it imperative for the police to make sure that the investigation is completed well within 60 days. In summons cases the investigation shall of course have to be completed within six months calculated from the date on which the accused person was arrested because, failing that, the magistrate shall stop further investigation. These provisions will tend to expedite investigations which in turn will reduce citizens' grievances against the police.

There should be a provision for the issue of prosecution diaries by APPs on the analogy of the issue of case diaries by the investigating police officers. This will ensure a better coordination between investigation and prosecution.

Non-bailable offences should not be allowed to be converted into bailable offences by the investigating officers without the approval of the SDPOs or superior police officers.

Systems as would prove more resilient and enduring should candidly be devised for ensuring immediate action on complaints. Immediately on receipt of a complaint the complainant should be contacted and what his complaint is should be ascertained. The complaints section in the IG's office should be removed from the CID Crime Branch and put directly under the IG as an independent branch headed by an AIG of police. Similarly Dy.Is.G. of police

of ranges and district Ss.P. should have complaints branches in their offices headed by officers of the rank of Dy. S.P. and inspectors of police respectively. Adequate number of executive personnel for conducting special enquiries into the complaints and ministerial personnel for handling correspondence should be provided to all these branches. Once a stage is set for promptly and effectively conducting enquiries, immediate action in the form of removal of the defaulting official from his posting, placing him under suspension and holding departmental disciplinary proceedings against him or putting up a case in a court of law against him should, depending on the circumstances of each case, be resorted to. Many of the grievances against the police would be redressed by these significant steps.

To render police supervision more effective, delegation of powers particularly insofar as writing of the annual confidential reports/remarks in the service rolls and the award of punishments and rewards is concerned is the need of the day. At the moment, sub-inspectors, inspectors and Dy. Ss.P. in most of the states have not been vested with any such power which unquestionably detracts from their effectiveness.

The police units should be small and viable in size. Instead of having big police stations there should be a number of small police stations. In bigger states there should be more than one general police district and *inter alia* more than one inspector-general of police. The practice of posting additional officers (additional superintendents of police, additional inspectors general of police) is not conducive to good police administration. Instead of posting additional officers the units should further be sub-divided and the charge entrusted to more than one officer.

Certain offences against the human body which are non-cognisable at the moment need be converted into cognisable ones. Examples of such cases are formed by offences defined by sections 323, 504, 506, 507, 508 and 510 of the Indian Penal Code (Eve teasing an offence under section 509 IPC has been made cognisable only by the Cr. P. C. 1973). This change in the law would tend to impart human dignity orientation to the penal code as well as to allay the fears of citizens (and in the process reduce the number of citizens' grievances against the police).

The utilisation of the police force for collection of funds for whatever purpose it may be, being incompatible with the onerous functions the police have to perform tends to thwart police efforts to build up an image and needs as a rule to be put to an end to. (Collections for the police welfare and benevolent funds should, it may be emphasised, be no exception to the rule). The coercive power of the state as symbolised by the police should never be associated with raising of

funds which, as a matter of principle, ought to be voluntary.

Police should be associated with the panchayati raj institutions. The District SP should be an *ex officio* member of the zila parishad and the SDPO-CO an *ex officio* member of the anchal or tehsil or panchayat samiti. Once in a month the zila parishad and the panchayat samiti should have a general discussion on police matters. This will help superior police officers know rural citizens' grievances better through panchayati raj office bearers and then offer redress of the same. This contact with the grassroots will be in conformity with the stipulated social targets of panchayati raj and will tend to swing the balance in favour of the police.

If we want that citizens should have no grievances against the police because the police are engaged in doing something which intimately affects and is inextricably linked with public (citizens') interest, we shall have to make sure that the policemen have also no grievance against the police departments and the governments as well as against the citizens. (For they have direct bearing on the working of police and maintenance of law and order in the country.) They should be a contented lot, adequately paid, appropriately housed and otherwise also well looked after. They should have reasonable medical facilities for themselves and their families and facilities for education of their children. Conditions of work should be well defined and ameliorated. (Working hours should also be fixed).

One more step strikes me as quite relevant as well as far-reaching in its impact. Citizens should be educated in what they should expect of their police and what police expects of them (What are citizens' rights and duties *vis-a-vis* the police?). A well informed and enlightened public, it may emphatically be claimed, will serve as healthy check on the questionable activities of the unscrupulous among the policemen.

The above enumeration, it may be reiterated, is not exhaustive. It is merely illustrative. However, it does provide some crisp answers to a bewildering array of questions which pose themselves. In the ultimate analysis the turn key answer would perhaps seem to lie in the evolving of a national police policy by the Union Government of India. And this in turn would materialise if police could be brought within the purview of the national planning process. The planners in addition to extending planning-programming-budgeting approach to police administration and re-ordering priorities will have to judge for themselves if the existing system of police administration can any longer carry the load thrust upon it by unprecedented technological, social, economic, and political changes which were not and perhaps could not have been envisioned over a century ago, when the system of policing the country was devised on the basis

of certain assumptions which were quite valid then but which have grown completely out-dated and as such are palpably irrelevant now. They would do well to reckon with the fact that few problems facing the country are as challenging as that of devising a policing system capable of responding to society's needs in the late twentieth century. And in this broader context they could identify citizens' grievances against the police and formulate specific action proposal directed towards making a breakthrough in the all pervasive field of redressing of citizens' grievances against the police.



Police Administration in the States*

P.D. Sharma

UNLIKE THE British and the American systems of police, the Indian police system does not fall into any neat category of a unitary or federal police.¹ The Constitution of India quite specifically lists police along with subjects like public order, prisons, reformatories and administration of justice in the State List of the Seventh Schedule. The union government, though not directly involved in the police administration of the country, very significantly retains and administers a number of sensitive and critical areas that have their direct bearing on the function of policing. For instance, administration of fire arms and explosives, inter-state police wireless system, central vigilance, extension of powers and jurisdiction of state police to other states, matters relating to Indian police service, appear on the Union list of the Constitution.² A host of union police agencies, such as the B.S.F., the C.B.I., the C.I.B., the C.R.P., Assam Rifles, the S.V.B., the National Police Academy and the forensic laboratories and institutes, have been created and put under the care of the central government to provide a support structure to the police administrations of the states. Moreover, the concurrent subjects like criminal law and criminal procedure, preventive detention, vagrancy, drugs and poisons, trade unions, nomadic tribes and newspapers, enable the union government to have a paramount and decisive voice in areas quite vital to the functions of policing in the country.³ The police administration of the union territories, numbering ten, is an exclusive

*From *Indian Journal of Public Administration*, Vol. XXII, No. 3, 1976, pp. 495-514.

¹For details see Reith Charles, "A History of the British Police", London, Oxford, 1948 and Bruce Smith, "Police Systems in the U.S.", New York, Harper and Brothers, 1949.

²See Constitution of India, Union List I, Schedule VII, item Nos. 5, 8, 9, 18, 19, 65, 70, 80.

³*Ibid.*, item Nos. 1, 2, 3, 4, 13, 15, 19,

and special responsibility of the Union Home Ministry. The constitutional arrangement, which is essentially federal in structure, contains the seed germs of a national and centralised policing in consonance with the overall spirit of the unitariness of the Constitution. Naturally, the state level administration, whether that of the police or of development, has to function within these basic parameters and its scope, activity and nature are effectively conditioned by the 'centralised federalism' enshrined in the Constitution. The recent constitutional amendments, contemplated and proposed by the Sardar Swaran Singh Committee, reiterate this doctrine of 'centralised federalism' in which the role of the Union Government *vis-a-vis* the state police administration will be more extensive and inclusive, especially in areas like economic offences, enforcement of fundamental duties and limited operations of judicial review.⁴)

(Prof. D. H. Bayley in his very able book *Police and Political Development in India* has very aptly pointed out the three major characteristics of the police system in India. They are : (1) the state based police organisation, (2) the armed and unarmed police constabulary, and (3) the horizontal stratification.⁵ From these basic characteristics flow a number of other ancillary features of police administration, which issue in making the state police organisations diverse and varied and their personnel, para-militaristic and non-specialist.) The historical legacies of the colonial police can legitimately be held responsible for these characteristics, which have emerged and hardened with the passage of time and exigencies of the situations. (The post-mutiny police, born under the Police Act of 1861, was found to be an expediency mechanism to which the later national struggle for freedom added various sorts of disciplinary overtones. The police philosophy of negativism was the organic problem of the mother statute, which inhered the magisterial supremacy of the D.M. over the police establishment, gradually leading to a de-intellectualising muscle-orientation of its force. The turn of the century witnessed the proliferation of the structures and inbuilt limitations of the experiments and what ultimately emerged from the mill of colonial history was a monolithic structure suited to the conventional problems of law and order rather than a 'citizen police', conducive to democracy and development. The Constitution of India and the subsequent reports of the police commissions in various states have vainly endeavoured to bring about this metamorphosis in

⁴Report of the Swaran Singh Committee, reported in the *Times of India*, New Delhi, dated July 3, 1976.

⁵Bayley, D. H., "Police and Political Development in India", New Jersey, Princeton University Press, 1969, pp. 35-36.

police administration in India. The present paper proposes to describe the organisation of the police in the Indian States at various levels. In the later part, it attempts to identify and examine the special problems of state police administration and seeks to offer some relevant suggestions in the present day context of social change and national development and discipline in India.

I

THE GOVERNING PRINCIPLES

The police organisation in Indian States is primarily governed by the Police Act of 1861, which was based on the recommendations of the Police Commission of 1860. Section 4 of this statute lays down the principles, on which the organisation of the police force rests till today. The section *inter alia* states:

The administration of the police throughout a general police district (now called states) shall be vested in an officer to be styled the inspector general of police and in such deputy inspectors general and assistant inspectors general as the state government shall deem fit.

Propounding an 'oriental theory' of colonial administration that "what the oriental people understood was the concentration of energy and effort in a single functionary and not their diffusion", the authors of the Police Act, 1861, further enunciated the principle of police organisation in India in the following words :

The administration of the police throughout the local jurisdiction of the magistrate of the district shall, under the general control and direction of such magistrate, be vested in a district superintendent and such assistant superintendents as the (state) government shall consider necessary.

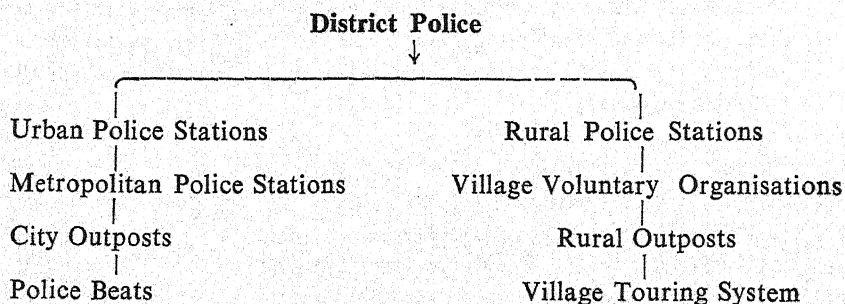
The above two provisions of the Police Act, which were later made applicable to Bombay Presidency also, by the promulgation of the Bombay District Police Act, 1890, envisage a two-tier system of state and district police. They also envisage the state police as an executive arm of the state, operationally under the command of the inspector general and district superintendents of police in the state, but otherwise functioning under the overall supervision, direction and control of the state government and the civilian district magistrate in the field. This arrangement, which continues till today, had its protagonists in Sir John Shore, Sir Thomas Munro and Fredrick Halliday.

The sceptics like Sir J.P. Grant, Sir Barnes Peacock and Lord Ellenborough were overruled in view of the post-mutiny psychosis.⁶ The later events of history forced several innovations and proliferations in the organisational set up of the state level police and below, but the basic parameters and governing principles of police administration in India have not transgressed the frontiers of the Police Act of 1861.

Organisationally the police system in India represents a queer amalgam of the Hindu, Mughal and British traditions and institutions. Conventionally the field formations were typically mediaeval, over which the Englishmen grafted a quasi-sophisticated system of district police.⁷ As the district was the hub of revenue activity in rural India, the district police gradually became a significant organisation. The demands of national movement increasingly pushed it under the centralised supervision of the provincial government, while the topography of the country and the absence of communication network in the rural areas yielded a lot of local colour to the grassroot organisations.

FIELD FORMATIONS

Police stations represent the primary units of police administration in all the civilised countries of the world. In India, they are, by and large, an extension of the Mughal 'daroga system', developed by the Muslim rulers for the mediaeval cities.⁸ The Britishers extended the 'daroga system' to rural areas in replacement of the corrupt, inefficient and disorganised police force of the zamindars. The anarchic conditions in the countryside resulted in the sudden growth of rural police stations in the districts, which later had to develop their own local formations down below the line. The picture of the police organisation at this field level can be presented in a diagram as below:



⁶For details see, Misra, S.C., *State Police Organisation in India*, Delhi, C.R.P.F., 1975, pp. 64-66.

⁷Rao, S. Venugopal, *Police Under the East India Company*, 1961, pp. 29-52

⁸Sarkar, Jagdish Narayan, "Police System in Mediaeval India in Theory and Practice", *Indian Police Journal*, Delhi, 1969, pp. 22-28.

According to an official estimate there were about 8,000 police stations in the country in 1970. The number and size of police stations in the various districts of the different states vary and depend upon multiple factors. Normally the population to be administered by an urban and a rural police station approximates in the vicinity of 50,000 and 75,000 respectively. Similarly, there are certain districts in UP, which encompass an area stretching to 50 police stations, while this number can be as small as eight or ten, as is the case in the states of Kerala and Himachal Pradesh. Areawise, the urban and rural police stations differ widely and the all-India average comes to between 16 to 160 sq. kms. for urban and rural police stations respectively.⁹ The major functions of both the kinds of police stations are : (1) preservation of peace and security, and (2) control of crime and vice. At this stage there is not much of specialisation of functions and all sorts of mixed duties pertaining to the registration and investigation of crimes, patrolling, surveillance, services of processes, collection of intelligence, arrest of criminals, searches and seizures of property and other detective and preventive measures are undertaken by the police stations located in the field. The big city police stations are called 'kotwalis' and are generally put under the charge of inspectors. Normally a sub-inspector heads the administration of an urban as well as rural police station. He is assigned a varying number of sub-inspectors, assistant sub-inspectors, head constables and constables to do the job of policing. The actual number of these functionaries depends upon the size of the police station and the nature of work or crime a police station has to handle. The character and organisation of urban and rural police stations are almost identical and they follow similar procedures of police work in all the states of the union. As a repository of information about the area, the police stations maintain daily diaries, case diaries, F.I.R. registers, crime registers, cash books, malkhana registers and history sheet records.¹⁰ Together they present the profiles of crime and criminals, which obviously differ from state to state, area to area and station to station.

The police outposts in the urban and rural areas have their justification corresponding to the vastness of the area and the standard of the communication system, existing within the jurisdiction of a police station. The character of population, their criminal propensities, political and communal complexion and frequency of law and order incidents generally determine the location and extension of police posts. They provide a close police coverage to sensitive areas and bring the police nearer to the people, especially in troubled areas.

⁹Misra, S.C., *op. cit.*, p. 108.

¹⁰Refer to Indian Police Act, 1861, Sections 23 to 34.

The rural police outposts are not many and are generally found in inaccessible areas. They are primarily to control specific problems of a local nature, such as special turbulence of some classes or castes in some villages, agrarian conflicts, depredations of dacoits and highway robberies by criminal tribes or gangs of persistent criminals. The outposts are looked after by head constables or sub-inspectors, depending on the nature and volume of work an outpost has to handle.

The beat system in police stations and outposts is an old British way of discharging the watch and ward duties by the police. In urban kotwalis and metropolitan stations the areas are systematically divided and organised into beat duties by the constables, especially during nights. In rural police stations, the regular beat parties are periodically despatched to patrol a cluster of villages for two to three days. The purpose of the beat system is to collect information about crime and criminals, perform service of court orders and do special surveillance over bad characters. It was intended to equip the policemen with the local knowledge of the area and also to develop meaningful contact with the citizens, so very essential for prevention work. But owing to the mounting pressure of work in the police stations and the abuse of the system by the junior functionaries the beat system has been in decline and is positively discouraged by police manuals and officials, except for specific purposes.¹¹

Village policing through hereditary village headmen had been in vogue in rural India since early times. During the Mughal period village watchmen were kept on the pay rolls of the police and were expected to keep a night vigil over all suspicious characters, residing in the cluster of villages. Recovery of stolen property was their responsibility. The Englishmen continued with the system but the changing concepts and contexts of district administration put the entire *chowkidari* system in decline.¹² Both the Bihar and the West Bengal police commissions disfavoured the system, which became increasingly ineffective in the wake of the political and social changes in the rural areas. The introduction of panchayati raj in independent India has given a fatal blow to the system of village policing and today in most of the states, for all practical purposes, the village police works under the officer-in-charge of the rural police station, in whose jurisdiction the village lies. In almost all the states of the union the democratic governments have created *village defence organisations* to assist the

¹¹For details see Misra, S.C., *Police Administration in India*, Mt. Abu, National Police Academy, 1970, pp. 118-25.

¹²Refer to Reports of Bihar Police Commission, 1961, pp. 202-205; West Bengal Police Commission, 1960-61, pp. 55-57; and Uttar Pradesh Police Commission, 1961, Ch. VII.

police departments for preventing organised property crimes. These organisations are voluntary and are constituted on the principle of self-help and local responsibility. They have no statutory basis, but have their origin in the individual's right to personal defence, given in the Indian Penal Code.¹³ However, the states of Maharashtra and Gujarat have organised *village defence parties* under the provisions of the Bombay Police Act, which is of a permissive nature.¹⁴ The states of Jammu & Kashmir, Orissa and Kerala do not have village defence organisations. In West Bengal they are called *village resistance groups*, while in the states of U.P., Bihar, Madhya Pradesh and Himachal Pradesh these schemes are run purely by the police departments. The Punjab Village Panchayat Act does not provide for the raising of voluntary organisations, but then it is obligatory for the villagers in Punjab to guard their villages at night.¹⁵

THE DISTRICT POLICE

The district tier of the state police organisation in India controls the network of police stations spread all over the country. The superintendent of police, who presides over this organisation is the key functionary through whom the state government operates and the police stations below look to him for command, guidance and action. Hierarchically speaking, the district police in most of the states stands organised into police sub-divisions and police circles, which comprise a cluster of police stations. The additional or deputy superintendents of police look after the work of police sub-divisions, while the circle inspectors deal with the supervisory work of police stations falling within their respective circles. A number of staff agencies such as crime bureau, special branch and special investigating agency, etc., stand converged into the office of the district S.P. who, in turn, operates through a network of line units, such as police stations, special squads, prosecuting branch, traffic police and reserve police. The organisational profile of the district police can be presented as illustrated on the next page.

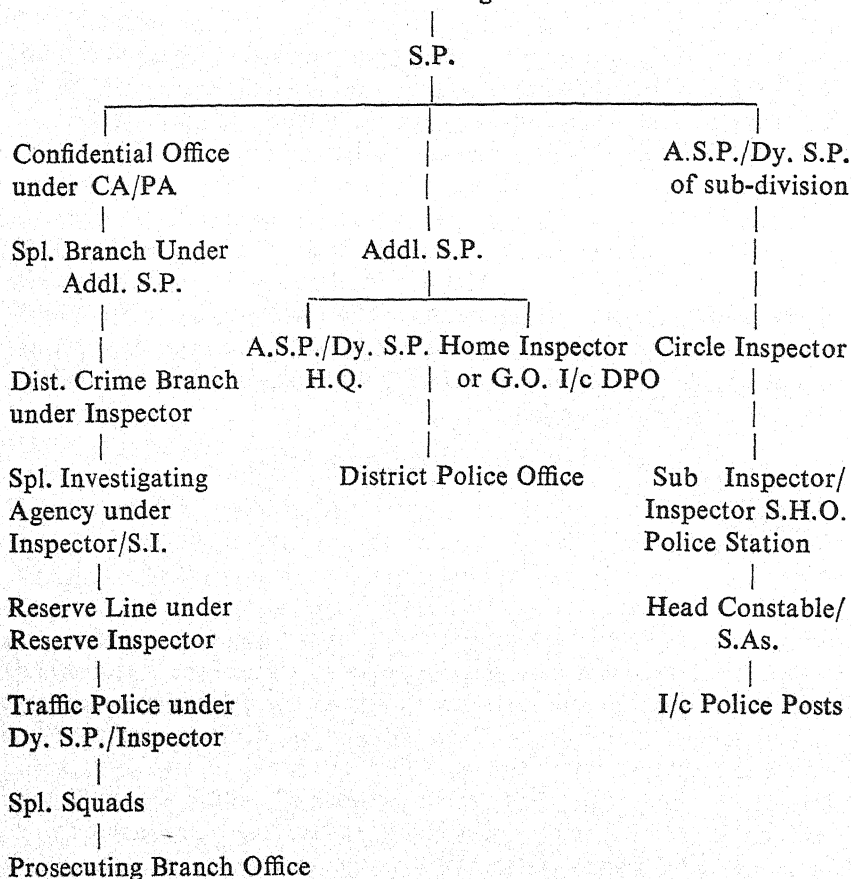
The district police organisation, which on an average covers about 3,600 sq. miles, and a population of over a million and a quarter people, has a large jail and store house for arms and ammunitions and clothing equipment. Constables are recruited and partly trained here. Armed police and sometimes mounted police also have their reserve lines or barracks here. The C.I.D. organisation operates from its headquarters. Working under the overall supervision of the D.M. the

¹³See Sections 97, 99, 101, 103 and 104 of the Indian Penal Code.

¹⁴Bombay Police Act, Sec. 63(B).

¹⁵See Punjab Patrol Act, VIII of 1918.

(9)

District Police Organisation

S.P. looks after the problems of law and order and that of administration of crime and vice. To perform these twin functions the S.P. has to collect intelligence, cultivate good police-public relations and keep his junior personnel in good trim. As a central person in the district administration, the S.P. has to deal with his juniors, seniors, non-colleagues, people, political parties and an endless variety of political and quasi-political pressure groups. His office, which has a large confidential cell, handles a lot of conventional material of a sensitive nature. All this makes the position of the S.P. pivotal in the district administration.

The police sub-divisions in a district are administered by additional deputy superintendents of police. The functionaries have two major roles to play, viz., (1) they function as police chiefs of their sub-divisions, and (2) also act as staff aids to the S.P. at the headquarters. In the former role, their functions in their respective sub-divisions are

almost similar to that of the S.P. in his district. In the latter capacity they perform staff functions of a delegational nature and aid and advise the S.P. in their respective areas of professional specialisation.¹⁶

The police circles in a sub-division have a special historical significance in India. The promotee sub-inspectors, who function as circle inspectors keep the Dy. S.P. and S.P. informed about the conduct of the sub-inspectors and other occurrences and movements, having a direct bearing on police functions of the district. The office has been criticised for its irrelevance, duplication of work and proverbial corruption obtained in the inspectorates. Yet it has a justification in its expertise and on-the-spot-supervision of field agencies by experienced police officers of the State.

The crime bureau, the special investigating agency and the district special branch are the major staff units in the district police office. The bureau collects, collates and disseminates all information regarding organised crime and criminal gangs in the district. Different states have given different names to this bureau, such as crime record section, M.O.B. and crime information centre. The district level information is processed and finally passed on to the central crime information bureau of the state on asking as well as through periodical reports. The special investigating agency investigates cases of embezzlement, fraud, forgery and misappropriation. It also collects criminal intelligence in general and keeps the S.P. informed about the activities of confirmed criminals. The special branch which represents an extension of state special branch collects political intelligence and attends to other secret works connected with foreigners, V.I.Ps. and national security. It submits periodical reports on the political and communal movements, labour and student activities, agitations by organised groups and other allied matters to the S.P. of the district.

In big districts separate sections of traffic police exist. Some districts maintain special enforcement squads to enforce anti-smuggling laws and anti-black marketing and anti-hoarding orders. For the prosecution of police cases there are assistant police public prosecutors for the magisterial courts, but public prosecutors have been appointed from the bar to conduct cases in the sessions courts. The recent amendment in Cr.P.C. has not materially changed the position in regard to public prosecutors, but the Assistant public prosecutors can no longer be police officers in the district. The district reserve lines, which exist to meet contingencies, such as leave, sickness and vacancies caused by resignations, suspensions and dismissals have a special role to play in district police establishments. They not only keep the line in good shape, but provide useful training and much needed change from the

¹⁶Misra, S.C., "State Police Organisation in India", *op. cit.*, pp. 94-95.

drudgery of the field.¹⁷

THE STATE POLICE SET UP

The police organisation at the state level performs distinctively staff-cum-line functions. These functions are quite complex and have to be discharged *vis-a-vis* (a) the union government and its auxiliary agencies, (b) the home department of the state government, and (c) the line officials of the district police below. Most of these line and staff functions are performed simultaneously. Some of the staff agencies operate from the state headquarters and may or may not have field units. The line functions of the state level police administration include implementation of policies pertaining to law and order and detection and investigation of crimes with the help of district units. The Home Minister, the Home Commissioner and their Home Department constitute the civilian wing of the state police. The professional wing has its unarmed and armed wings, the organisational chart of which is as given at page 91.¹⁸

Thus the professional wing of the state police works under the overall command and supervision of the I.G.P. of the state. He has a couple of special, assistant and additional Inspectors General of Police to aid and advise him at the police headquarters. They may also administer some of the specialised police functions like anti-corruption, vigilance, civil defence and traffic, etc., at the state level. The I.G.P. is the chief of the state police and the Police Act assigns specific responsibilities to him in the areas of police policy formulation and line operations involved in the execution of the policy. He is the chief personnel officer of his department and has wide powers and discretions with regard to financial management and disciplinary matters in his organisation. As an administrative leader of his team he functions through a number of deputy inspectors general of police working on territorial or functional basis. The D.I.G. in charge of a police range supervises the work of 4 to 6 administrative districts, which constitute the intermediary level in the administrative hierarchy, just below the State and above the district. The functional D.I.Gs. at the State level take care of auxiliary units such as the C.I.D., the intelligence department, the railway police, the police training institutions, the police headquarters and the armed battalions at the state level. There is no uniform pattern about the number and work of the D.I.Gs. in various states of the union.

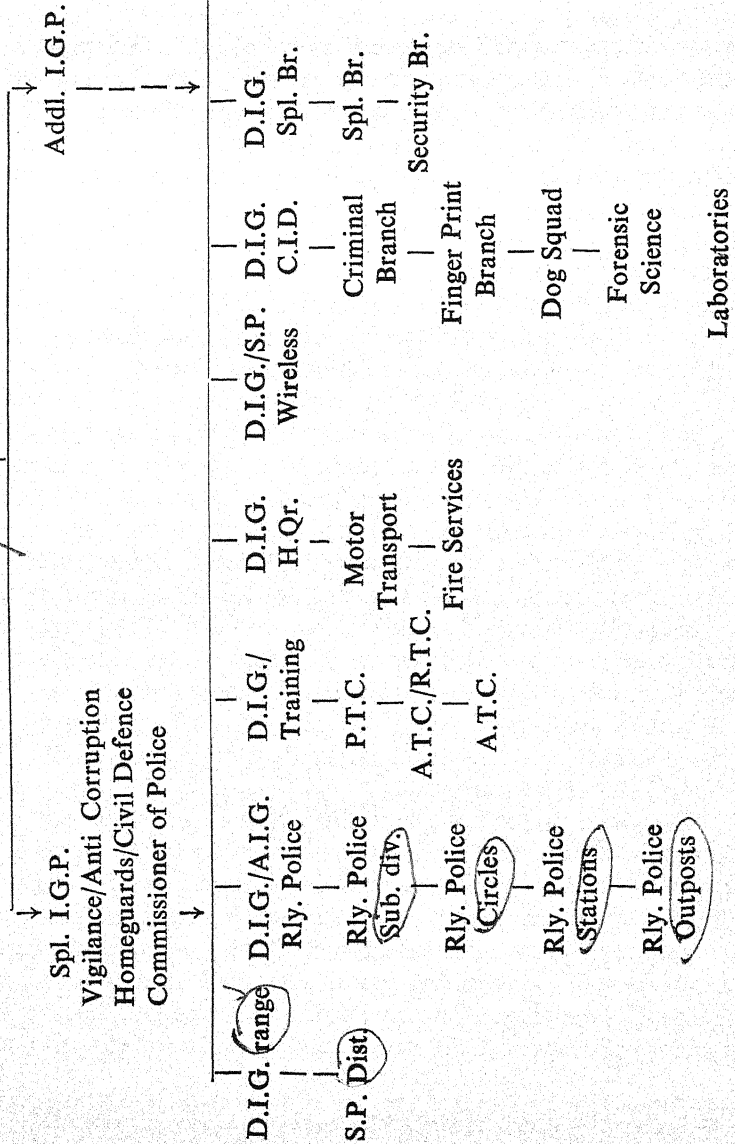
The D.I.G. range exercises a general supervision over the work

¹⁷Misra, S. C., "State Police Organisation in India", *op. cit.*, pp. 97-98.

¹⁸*Ibid.*, p. 79.

State Police Organisation

I.G.P.



of the district superintendents of police and the latter look to him for advice, guidance, leadership and coordination of police work in the range. As incharge of the specialised branch like C.I.D., intelligence, anti-corruption, traffic, railway and armed police forces the D.I.G. has his own independent hierarchy and functional network, depending upon the nature and scope of his operations. For instance the D.I.G., C.I.D., has a horizontal organisation to which M.O.B., finger print bureau, forensic laboratories of the state and dogsquads are attached as subordinate offices. The police training institutions in states have their quasi-autonomous organisations and are generally headed by senior superintendents of police. The railway police organisation follows the district and state systems of jurisdiction in different states. This jurisdiction conforms to the railway limits, extending between outer signals and the running trains. The functions of the railway police are similar in all the states and it functions as an island of police administration within the larger ocean of police administration of the state. The exchange of personnel between civil and railway police at each level brings home the complementary nature of the railway police organisation.¹⁹

The state armed police force represents the continuation of military police and the crown representative police of pre-independence days. It is called by different names in different states; P.A.C. in U.P. and Rajasthan, special armed police in Madhya Pradesh, military police in Bihar, Assam Rifles in Assam and Malabar police in Tamil Nadu. They are in the nature of reserves at the disposal of the I.G.P., who can deploy them on the requisition of the D.I.G. of the range.²⁰ As a reserve striking force they are employed in special situations or on security duties in sensitive areas. A battalion has 4 to 6 companies, each of hundred to 120 constables. A headquarters company has transport, signals, stores and training units. The company, the platoons and the sections are commanded by subedar major, jamadars and havaldars respectively.

The organisation of the traffic police at the state level police administration is a recent phenomenon emerging in the wake of increasing urbanisation. At the state level the functions of the traffic police fall mostly within the arena of staff duties, such as planning, road research, coordination of district level efforts and advise to the I.G.P. in matters pertaining to movement of heavy vehicles and road safety in the cities. The wings of women police and mounted police represent welcome additions to the state police organisations in view of the

¹⁹For further details see Mullick Committee Report, Government of India, New Delhi, 1954.

²⁰See State Armed Police Forces (Extension of laws) Act, 1952 (Act No. 63 of 1952).

changing nature and techniques of crime, vice and public disorder in free India. The organisation of home guards sponsored and financed by the union government as an auxiliary unit of the state police administration in most of the states is a statutory attempt of raising a 'citizen police' as a secondary police organisation, functioning as an adjunct to the regular police organisation of the state.²¹

The police commission system in the three metropolitan cities of Calcutta, Bombay and Madras, which free India has extended to five more capital towns of Hyderabad, Bangalore, Ahmedabad, Nagpur and Poona is a unique and very promising experiment in state police administration. The Police Act 1861 is inoperative in these cities and D.Ms. do not function as guardians of law and order. The police commissioners in all these cities, except Calcutta, are equivalent to D.I.Gs. in states and the deputy and assistant police commissioners have similar functions as those of S.Ps. and Dy. S.Ps. in state administrations, respectively. The unique features of the system are its independence, autonomy and functional specialisation in urban setting.²² The A.R.C. has recommended a wider application of the experiment.

Thus the police organisation at the state level has a wide and complex network of functional and specialised agencies. It controls, coordinates and supervises the work of district field agencies, engaged in the execution of policy. It also provides a link between the political and administrative echelons of the machinery of the state government. It is here that critical decisions about the problems of regulatory administration are taken, which, in turn, are pumped into the political mechanism of the government as advice and are systematically processed and formulated into regular policy propositions. In addition to the basic 'posdcorb duties' of police administration, the staff units provide a special and specialised kind of police service to the district administration. As a shock absorbing buffer it has to accommodate new demands of socio-political changes in the districts and political pressures of the state government from above.

II

A close look at the state level police administration will reveal that most of its problems emanate from history, the legacies of which make it stagnant, disjointed, outmoded and even dysfunctional. Torn between three lists of the VII Schedule, the task of policing remains shared, muddled and is an overlapping responsibility between the

²¹A Home guard is subject to police discipline and can be discharged and prosecuted under penal provisions of the Home Guards Act.

²²For illustrative material see Report of the West Bengal Police Commission, Ch. V.

union and the state governments. The Union Home Ministry, though not directly responsible for the police jobs, virtually functions as the Union Ministry for Police, entrusted with the responsibility of maintaining peace, security and order in the country. This robs the state police departments of their initiative in reorganising the police administration,²³ so much so that the basic Police Act of 1861 and the three All-India Penal Codes, namely, the Criminal Procedure Code of India, the Code of Civil Procedure and the Indian Evidence Act, remain more or less unchanged since the days of the Indian mutiny. The society has outgrown the police organisation, and the state governments, despite their best intentions, have not succeeded in re-vamping their police structure. The reports of numerous state police commissions is an exercise in futility and clearly denote that state police administration has sunk deep into stagnation, from which the union government alone can pull it out.

THE ORGANISATIONAL DEFICIENCIES

Organisationally the three-tier structure of the state, district and police stations seems quite sound and feasible in consonance with the police philosophy and working conditions obtained in the rural area. But, the physical conditions, actually available in terms of buildings, furniture, telephone, conveyance, office records, *malakhana*s, police lock-ups, living quarters at the outposts and the police stations are absolutely far from satisfactory. The mounting needs of policing have resulted in the phenomenal expansions and upgrading of police stations, which the state police budgets cannot afford to cope with.²⁴ The expectations of the common man from his police station have gone very high and the newly recruited police officers also find it demeaning to live and work under sub-human conditions.

(The sudden decline of the *chowkidari* system in rural India and the failure of village voluntary organisations after the launching of panchayati raj, in various states in the sixties, have caused a void. The problem is not that of transition, but that of incongruence in the system, which expects the emergence of a citizen-police in a traditional milieu of rural India. The *chowkidari* system was positively inconsistent with the system of panchayati raj, but its scrapping along with the decline of panchayati raj institutions in the states has left the villages without any effective system of policing right at their gates.²⁵ The

²³For elucidation of this point see Veerabhadriah H., "An Insight into Police Administration", in G. S. Halappa (ed.), *Studies in State Administration*, Karnataka University, Dharwar, 1963.

²⁴Misra, S. C., *State Police Organisation in India*, op. cit., pp. 113-114.

²⁵For a Statewise discussion, see Misra, S.C., *Police Administration in India*, op. cit., pp. 118-55.

discouragement to the beat system by senior police officers in view of the additional workload and increasing corruption in the police stations represents a sorry state of affairs, which has ultimately rendered the rural police system inefficient and dysfunctional.

At the district and state levels the state police organisation suffers from organisational disequilibrium and lack of requisite staff agencies. The office of the S.P. has disproportionate pressure and volume of work, which in practice is being shared by the S.I. of the police station, who is again a busier and less competent person than the S.P. The staff units like C.I.D., special branch, intelligence branch, A.C.D., M.O.B. etc., are there at district and state levels, but stand considerably devalued on account of the disproportionate emphasis on line operations in the department.²⁶ There is a tremendous centralisation in the organisation in the name of discipline and coordination is confused or misunderstood as control by the supervisory authorities at higher levels. Police research and reform as an innovative and creative activity is rarely pursued by the police officers as an organisational activity and the organisation looks for outside organisational support and research to put its own house in order. Specialisation of police tasks such as traffic, railway policing, female crimes, urban, labour and youth disorders, etc. has not been accepted by the police department at the organisation level and exchange of personnel among various specialised units continues quite freely to the detriment of organisational efficiency. The organisation of state railway police is a living anachronism that perpetuates duplication and discoordination in the job of policing without lending any specialisation to railway police organisation of the state.²⁷ The para-military character of the armed police, notwithstanding its historical nuances, creates problems for the organisation of the civil police, which has to pay for its deficiencies in terms of its foul image. The armed police lacks the purposefulness of the army, which *ipso facto* deprives it from the goodwill of the civil police. Moreover, the creation of union agencies like the C.R.P.F., B.S.F., I.S.P.F., etc., renders the organisation of state armed police force somewhat superfluous, especially in view of the fact that these forces eat away a large chunk of the state police budgets and when the chips are really down their presence is not adequate enough to avert the intervention of the union government.²⁸

²⁶Cf. "Adequacy of Intelligence regarding Law and Order at District Level", a syndicate study in *Transactions*, XVI, November 1971.

²⁷See "Railway Crime" in *Transactions*, Mt. Abu, National Police Academy, April 1965, p. 168.

²⁸Alexander, P. J., "Centre's Role in Public Functions", *Transaction*, VIII, Mt. Abu, N.P.A., November, 1966.

THE PERSONNEL PATHOLOGY

From the personnel point of view the state police administration has a real pathological case to look into. When practically every police department of the state has exploded in terms of numbers and enhanced responsibilities, there is relatively very meagre effort to work out the personnel needs and job chartings of the policemen. The senior police officials complain, and perhaps very rightly too, about the inadequacy of members, commensurate with the prescribed strengths of their outposts, police stations and special agencies in the department. Worse still is the non-availability of proportionate senior positions in the hierarchy, which forces most of the state police employees to retire without having anything to look forward to by way of reasonable promotions, not even at reasonable intervals. Notwithstanding stray efforts here and there, the police personnel reforms in most of the states have eluded implementation on account of the non-bargaining capacity of the disciplined forces. There is an enormous amount of ill-matching of jobs, persons and emoluments in key positions of the hierarchy.²⁹ For instance, the post of the S.I. police carries much heavier responsibility for the competence of its incumbent available for the given emoluments. Similarly there is a great amount of imbalance, lag and disparity in the calibre, competence and intellectual cultivation of the members of I.P.S. and state police services.³⁰ The S.P., who is always an I.P.S. and the additional and deputy superintendents of police (who come from state cadres of police services) belong to two different worlds and, naturally, it should require special efforts on the part of both the functionaries to pull together as a team in the district. Similarly, the S.P. and the sub-inspector, who run most of the chores of police work in the field are two different kinds of human beings, who can always work as seniors and subordinates, but never as colleagues and partners in the enterprise. The two offices of the D.I.G. and the Dy. S.P. in the state police hierarchy need a special position classification.³¹ They occupy dignified-positions, but the incumbents usually complain against the anachronistic situations in which they are placed vis-a-vis their immediate juniors, i.e., the S.P. and the S.I. They have relatively little functions to perform and can very conveniently be bypassed by their juniors in the range and in the

²⁹For useful details see Rao, K.V. "Recruitment, Training and Other Related Matters of the Indian Police", *Journal of the Society for Study of State Governments*, Varanasi, July-December, 1972, pp. 179-205.

³⁰*Ibid.*, pp. 324-388.

³¹See Singh, D.P.N., "The Role of the I.P.S." and Bhist, T.S., "The Deputy Superintendent of Police: A Reappraisal of the Position", Advance Course Paper VIII (mimeo), Mt. Abu, 1964.

district. The training of the I.P.S. officers assigned to the states is a responsibility of the union government, but police training of the state police officials, juniors as well as seniors, leaves much to be desired.³² There is an obvious emphasis on muscle-building and reading *Blue Books*, which should have their place, but should not be pursued at the cost of mind and liberal orientation of the police officers. The state police training colleges generally do not attract the right kind and the training enterprise, being unlinked with future postings and promotions, as in the army, does not merit attention and involvement of the police officials at various levels of state hierarchy. The outdoor training of the junior functionaries certainly prepares them for arduous jobs of a hazardous career, but it runs the risk of brutalising their instincts for finer things in life and society, the complexities of which should be approached from a socio-psychological angle by the policemen of the future.³³ These personnel problems of the state police present the policeman in a foul image of a corrupt and inefficient official, having a low motivation to his duty. Current research in police behaviour indicates that this traditional image of a classical policeman is empirically not true,³⁴ yet, the fact remains that the state police constabulary leaves a lot to be desired in terms of its professional behaviour. And there is still more in the field of amelioration of working conditions of policeman, which alone can ensure recruitment of the right kind.³⁵

Recently, the union government has initiated steps for the modernisation of police forces in the states. Funds have been earmarked for the modernisation of fleets, wireless equipments, forensic aids, training experiments and housing facilities for the personnel. When all this can be called a welcome beginning, it has hardly touched the fringe of the problem. The stringent finances of the states have failed to match up the effort and modernisation has not yet led to the much desired specialisation in the working of the state police. The state administrations are seized of the problem, but highly specialised police units in various areas of policing remain a desirable goal before police leadership in the states.

THE D.M-S.P. DYARCHY IN THE DISTRICT

Lastly a reference may be made to the most ticklish and sensitive

³²See Acharya, M.R., "The Present Training Progress of Police in India : A Review", *The Journal of the Society for the Study of State Governments*, op. cit., pp. 206-22.

³³Cf. Reddy, S.K., "Training Police Officers in Developing Society and Police" in (ed.) Reddy and Seshadri, Hyderabad, Osmania University, pp. 141-51.

³⁴Sharma, P.D., "Perspectives on Police", *Indian Journal of Public Administration*, New Delhi, December, 1973, pp. 525-51.

³⁵Singh, M.M., "Minimum Wage for a Policeman", *Transactions*, Mt. Abu, N.P.A., October 1962, p. 12.

problem of dyarchy in the administration of law and order in the district. The collector-S.P. relationship, as postulated in the Police Act, has acquired all sorts of pro-D.M. overtones in the process of history. Logical rationale apart,³⁶ it is a problem surcharged with professional bias and status equations in the district administration. The justification of dyarchy of the colonial days in the administration of law and order makes little sense, especially when the two functionaries belong to two all-India services of a coordinate nature.³⁷ The presence of D.M. in emergency situations of law and order may have some incidental benefits for the district administration, but it certainly betrays a lack of confidence in the senior officials of police, who resent the primacy of the D.M. in a domain which exclusively belongs to the police.³⁸

III

All these problems of state level police administration are not that simple as they appear to be from a distance and that too to a lay observer. A number of police commissions appointed by the states of Kerala, U.P., Bengal, Bihar and Delhi and the various committees and commissions appointed by the union government during the last two decades have studied the problems in depth and their detailed reports represent a lot of insight and research experience that has gone into the understanding of the problems.

THE NEED FOR FEDERAL INITIATIVE

The time has come when the recommendations of these state police commissions need to be processed by a committee of the Union Home Ministry which alone should bear the cost involved in these reforms. Needless to say, the state, police reform cannot be taken up by state governments even on a priority basis. The massive capital expenditure required to undertake most of the proposed reforms can be borne by the union government alone, which must make police a plan subject. The Planning Commission should engage itself in an exercise of working out the policing costs of economic development in India. It is a commonplace view that development brings new social tensions and political disorders in its wake, which brings their corresponding pres-

³⁶Rai, Haridwar, "Dual Control of Law and Order Administration in India : A Study in Magistracy and Police Relationship", *Indian Journal of Public Administration*, Delhi, XIII (1), Jan-March, 1967, p. 57-67.

³⁷Cf. Report of the Study Team on District Administration A.R.C., Government of India, New Delhi, 1967, p. 82.

³⁸Singhvi, G.C., "District Magistrate and District Police", *Indian Journal of Public Administration*, XIX, 4 (Oct-Dec. 1973), pp. 496-505.

asures on the police administrations of the states. The union government has already realised this empirical fact of social change and has invested huge funds of money in creating union police agencies to supplement the efforts of state police administrations. Still, making police a plan subject will initiate fresh thinking on the problems of police in a developing society and the state police administration will get its legitimate and due share of allocations and grants from the plan outlay on a systematic basis and that too in a continued manner.

A PLEA FOR ALL-INDIA POLICE COMMISSION

Once the requisite funds are made available on recurring and non-recurring bases, the ideas and issues in police reform can be taken up for scrutiny by some kind of an institutional arrangement. It has been proposed several times in police conferences and seminars that an all-India police commission on the lines of the UGC may be set up for the disbursement of federal funds to improve standards of police efficiency and working conditions of policemen in the states.³⁹ This commission may have eminent policemen and other knowledgeable people from public life and it may be entrusted with the specific responsibility of pursuing the goals, contents, strategies and impact of administrative reforms in state police organisations on a continuous basis. The commission may initiate research studies in the field and ultimately grow into a clearing house, offering consultancy on police problems to the administrations of the state. It may also explore the avenues in which meaningful penal reforms may be undertaken by the union government, in areas of concurrent jurisdiction, so that the reform efforts in state level police administrations may be given a purposeful direction and meaningful content.

(Notwithstanding a pioneering role of the union government in initiating and funding police research and reform in the states, the state level police administrations can ill-afford to shelve some of the urgent and long overdue police reforms feasible within the given limits of their resources. Some of these reforms can be:

1. Constitution of permanent state police reforms committees. The committees consisting of knowledgeable people in every state may make recommendations, which should be mandatory. The committees may be given wide terms of reference and should suggest ways and means to implement the short term and long range proposals for reform which they seek to suggest. This continuous reform effort should result in the reorganisation of the state structures of police, which should initiate change, without causing a big dislocation in the total system of administration of the state.

³⁹Misra, S.C., *Police Administration in India, op. cit.*, pp. 163-67,

2. The state police administration should increasingly experiment with the police commissioner system prevalent in big cities of the country. To begin with, the capital cities of all the states may be allowed to work under the commissioner system of police and the new cities in every state may gradually be covered with the new system which needs to be worked out in the light of the local experiences of the commissioner system in various states.

3. The pace of modernisation of the state police set-up may be enhanced in such a manner that a satisfactory state of modernisation may be attained by the close of the century. Modernisation in terms of physical facilities and equipments may ultimately lead to specialisations in police tasks and trained policemen may get their legitimate promotions in their own branches of specialisation. The armed police, the C.I.D., the traffic police and the railway police may not be allowed to have a free exchange of personnel, as is the case today.

4. The staff units in the state police administration may not only be increased and activated, but may be given an honoured place in the police organisation. The emoluments and working conditions of police officials employed in forensic laboratories training institutes, C.I.D., M.O.B., intelligence branch, etc., should be better and attractive enough to upgrade them from the present state of devaluation.

5. The expenditure on armed police may increasingly be reduced and the state police budgets can be so reorganised as to have more and more of senior positions to make the district police officer oriented rather than constable oriented. 'Voluntary citizen police' experiments may be encouraged and better qualified police officials, though less in number, may handle the police work better without engaging a large number of illiterate and rustic constables.

6. The offices of the S.P. and S.I. may be reorganised in terms of their routine workload, legal responsibilities, protocol duties and job hazards. In the place of having assistants, they may be asked to have a formal and horizontal delegation of their work among their colleagues. This will yield them some leisure to think, organise and work creatively as chiefs of district police and police stations respectively.

7. The junior state police functionaries may be specially trained in public relations and special efforts may be made to cultivate various sections of public to project a new image of the police profession in the society. It is fashionable to talk of police-public relations, but the state police administrations should launch efforts in this direction only after having made the necessary preparation. The risks involved should be calculated and understood and half-hearted measures should be rigorously avoided.

Thus, the state level police administration, which, by and large,

represents the historical legacies of the colonial days needs fresh thinking, systematic reorganisation and vigorous reform effort to live up to the challenge of change and growth, popularly known as development, in modern India. The organisation as such has a very sound base and the traditions of discipline, loyalty, legal competence and firmness have nurtured it towards the desired end. The uniformity of the pattern in most of the states of the union makes it doubly relevant in the present day context of national integrity and national discipline. The real trouble lies in its colonial orientations of negativism, simplicity, secondary status and generalism. In free India the people, the civilians and the political masters have been callously apathetic to the problems of police reform. As a state subject, it has suffered neglect and a raw deal at the hands of our planners. Being a disciplined organisation, it could not develop its bargain counters in the democratic system. On the contrary, its functional nature has been responsible for incurring the wrath of all sections of society. Naturally, its case for reform has been lost by default. The foul image of the profession and the service conditions obtained in the state and all-India police services have attracted the second best, which, in turn, has told quite heavily upon the ethics of the profession. The lower level police officials have further exploited the situation and have rendered the organisation and its personnel insulated and incorrigible for reform. The emergency situation in the country today entrusts very heavy responsibilities on the police administrations of the states. The traditional system is obviously ill-equipped to stand to the strains of the situation. The remedy lies in creative thinking inside the state level police administration and on the part of police leadership to take up the challenge of the new political and administrative philosophies of democracy, socialism, secularism and nationalism, so pertinently reiterated by the recent revisions in the Constitution of India.

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City Police Management*

Mohit Bhattacharya

PUBLIC ADMINISTRATION does the basic control function in a society in order to keep it in a state of equilibration. When urbanisation grows apace, it brings in its trail many social problems many of which need to be resolved through the intervention of public administration. As an integral and vital part of public administration, the police system deals with the maintenance of law and order and is, therefore, a major apparatus of control. The design of a police system has to be continually adjusted to the surrounding social problems which it is called upon to resolve. Growing urbanisation is expected to react on the police system and press for change in its structure and operations. Within the broader field of environment-organisation interaction, the organisational problems of city police administration can be more fruitfully pursued.

The present paper is the outcome of a study recently completed on the organisation and system of policing of medium-size-cities. In a situation of growing urbanisation, the police organisations in these cities have to cope with a variety of problems. The pace of urbanisation affects their jurisdictions and crime profile. These in turn call for readjustment of the internal organisational structures, the physical boundaries and the relationship with other and allied organisations. The changes dictated by environmental pressures are felt but not always acted upon. In public administration, change comes in dribbles. A tradition-bound organisation like the police finds it much more difficult to transform itself from tradition to modernity. The organisation carries within it past anomalies, present confusion and a flicker of hope for the future. Reform in the coming years would depend on how hope would be translated into happening.

The sample cities taken up for study are: Bhopal, Coimbatore, Ernakulam, Jaipur, Kanpur, Lucknow, Ludhiana, and Trivandrum. These represent fairly fast growing urban areas. It is evident from

*From *Indian Journal of Public Administration*, Vol. XXIV, No. 1, 1978, pp. 152-68.

Table 1 that some of the cities in the sample like Jaipur, Ernakulam, Trivandrum, Ludhiana and Bhopal have been experiencing rapid population growth over the years, and in the last census decade (1961-71), their growth rates varied between 50 per cent and 75 per cent. Increasing urbanisation is generally associated with more policing problems of various kinds. In other words, the police organisations in cities experiencing faster urbanisation are expected to undergo changes in response to the changes in their 'ecology'. Our major purpose in this study¹ has been to try to understand the reaction of the police organisations in the sample cities to the changes in their environment.

TABLE 1 POPULATION GROWTH IN SAMPLE CITIES

<i>(in percentages)</i>	
<i>Cities</i>	<i>Population growth during 1961-71</i>
1. Bhopal	75.86
2. Coimbatore	23.46
3. Ernakulam	56.19
4. Jaipur	51.98
5. Kanpur	31.10
6. Lucknow	26.01
7. Ludhiana	64.37
8. Trivandrum	70.87

CRIME PATTERN IN SAMPLE CITIES

Let us first see the types of crimes reported in the sample cities. We find in Table 2 that murder, kidnapping and abduction—which can be termed as crime against a person—have, comparatively speaking, a low place in the crime picture. Of the three southern cities, Coimbatore is free from both the crimes, and the remaining two cities show negligible percentages. In all the northern cities and the city of Bhopal, kidnapping and abduction cases are more numerous than murder cases. Still, the latter are limited to only 1 per cent to 2 per cent of the total cognisable crimes. Dacoity seems to be almost non-existent in the sample cities and robbery cases are also few. Cattle thefts, which are quite common in rural areas, occupy a very low position in the crime pattern. But the figures are positive in all the cities, which indicates that the urban areas do have this rural crime type. As regards riot cases, Coimbatore was free from them in both the reference years; but in the other two southern cities, *viz.*, Trivandrum

¹For a fuller account of the study see Mohit Bhattacharya, *Organization and System of Policing of Medium-Size Cities*, 1975, Indian Institute of Public Administration, New Delhi (Mimeographed).

and Ernakulam, riot cases showed a significant rise in 1969. Of the northern cities, Jaipur had the highest percentage of about 3 per cent followed by Lucknow and Kanpur. Counterfeiting cases are either non-existent or almost negligible in the sample cities.

'White collar crimes', which are frequently associated with cities, figure in the crime picture of our sample cities also. But these are not to be found in the same proportion in all of them. Lucknow, Kanpur and Coimbatore do, of course, show a sizable incidence. Criminal breach of trust and cheating taken together accounted for 10 per cent, 8 per cent and 11 per cent respectively of the total cognisable crimes in these three cities in 1969. The comparable figure for Jaipur and Ernakulam was about 5 per cent. In the remaining cities, the rate was around 3 per cent. The trend in some places such as Jaipur, Lucknow and Coimbatore is towards a slow increase in the incidence of white collar crimes.

What dominate the crime picture in the sample cities are house breaking and ordinary thefts. In two cities—Lucknow and Coimbatore—these two crimes, taken together, accounted for as much as 85 per cent and 93 per cent respectively of their total cognisable crimes in 1969. Bhopal registered 67 per cent and Jaipur about 52 per cent. In the remaining cities, the figures varied between 22 per cent and 41 per cent. For India as a whole, house breaking and ordinary thefts accounted for slightly more than 50 per cent of total cognisable crimes in 1969.² The comparable average figure for the sample cities of nearly 53 per cent comes close to the all-India pattern.

COMPARISON WITH COMMISSIONERATE CITIES

As pointed out earlier, the cities in our sample are of medium size falling a step below the metropolitan cities which have the commissionerate type of police organisation. It may be worthwhile comparing the crime statistics of the medium cities with those of the metropolitan giants. Contrary to expectation, the two metropolitan complexes of Calcutta and Bombay show a decline in crime incidence during the period 1965 and 1969. In the case of Calcutta, the slump is very high indeed. In Delhi also the percentage variation is almost negligible. Ahmedabad experienced a variation of about 6 per cent only. Thus, out of the 7 commissionerate cities in Table 3 two had negative growth rates, one had almost remained static and another had a very low rise. Only two cities, namely, Bangalore and Madras registered sizable increases in crimes. In the case of Bangalore, the variation is as much as 93 per cent, while the comparable figure for Madras was 87 per cent. The only other city which had a moderate rise in the crime

²*Crime in India 1969*, Ministry of Home Affairs, Government of India, 1971, p. 7.

TABLE 2 SAMPLE CITIES : PERCENTAGE DISTRIBUTION OF CRIME, 1965 AND 1969

City	Murder		Kidnapping and abduction		Dacoity		Robbery		House breaking		Theft (cattle cases)		Thefts (ordinary)		Riots		Criminal breach of trust		Cheating		Counter-feiting	
	1965	1969	1965	1969	1965	1969	1965	1969	1965	1969	1965	1969	1965	1969	1965	1969	1965	1969	1965	1969	1965	1969
1. Bhopal	1.0	0.7	1.1	0.7	—	—	0.1	0.4	17.2	21.8	1.7	0.9	50.3	45.3	0.6	1.3	1.9	1.3	1.7	1.2	—	—
2. Coimbatore	—	—	—	—	—	—	0.1	0.4	27.8	19.7	1.3	1.1	65.4	73.1	—	—	2.8	5.2	2.3	5.6	0.2	0.6
3. Ernakulam	0.3	0.6	0.2	0.2	—	—	0.5	0.6	14.9	12.5	0.2	0.3	13.0	20.7	3.7	5.3	1.6	3.5	0.3	1.1	2.1	0.5
4. Jaipur	0.3	0.3	2.0	1.6	—	—	0.7	0.6	19.2	18.5	0.6	1.0	43.0	34.3	2.9	2.8	2.7	1.8	4.6	8.4	—	0.1
5. Lucknow	0.4	0.7	1.5	1.8	0.1	0.2	0.5	0.7	15.4	13.6	0.6	0.3	70.0	71.2	1.0	1.5	7.0	7.2	3.4	2.8	—	0.2
6. Ludhiana	0.2	0.2	1.0	1.8	—	—	—	—	5.0	5.4	0.6	0.3	14.4	16.1	0.6	0.2	1.5	2.3	1.9	1.1	—	—
7. Kanpur	0.4	0.4	1.2	1.2	—	—	0.9	1.1	9.2	7.1	0.3	0.5	33.7	30.3	1.1	1.3	8.0	6.1	3.3	2.3	0.2	—
8. Trivandrum	0.3	0.4	0.2	0.6	—	—	—	0.3	7.2	16.3	0.5	0.6	9.2	24.9	1.3	8.1	1.2	2.9	0.6	0.9	—	—

NOTE : The figures above stand for percentages to total cognisable crimes. 'Miscellaneous crimes' have been omitted.

figures is Hyderabad. One thing that strikes us is that unlike the commissionerate cities, the variation in crime situation in the sample cities throws up some sort of a pattern. If one leaves out the two cities of Ludhiana and Coimbatore, in all other cases, the growth of crime in cities was confined within a narrow range of 11 per cent to 20 per cent. In contrast, the commissionerate cities do not reveal much of a pattern in their crime situation. At any rate the decline in the crime incidence of Calcutta and Bombay and the almost static position of Delhi look rather surprising, as the figures run counter to the popular belief that our metropolitan complexes have been experiencing a steady growth in crime.

In order to study the comparative crime situations in the commissionerate cities and our sample cities, we tried to examine the percentage distribution of crimes in the commissionerate cities. In Table 2 the comparable figures for the sample cities have already been given. The micro-crime situation of the commissionerate cities has been compared with that of the sample cities for one year only, namely, 1969.

In absolute terms, the figures under 'murder' and 'kidnapping and abduction' in some of the commissionerate cities such as Ahmedabad, Bombay, Calcutta and Delhi are quite high compared to any of the sample cities. Only Kanpur and to some extent Bhopal in our sample have some comparability with Hyderabad, Bangalore and Madras. From 'robbery' onwards, cases under all the types in the commissionerate cities are far more numerous than in the sample cities. Table 4 gives a clear picture of the contribution of each type to the total cognisable crimes in the commissionerate cities. Comparable figures for the sample cities can be found in Table 2. Apart from Ahmedabad, where murder cases constituted more than 4 per cent of the total crimes, in all other cities the percentage contribution of this type was less than one per cent. In all the cities, the percentage figures for a number of crimes including kidnapping and abduction, dacoity, robbery, cattle thefts and counterfeiting were very low—within the range of zero to 2 per cent. A few cities such as Ahmedabad, Calcutta and Hyderabad reported considerable riot cases. For Ahmedabad, the year 1969 must have been an exceptionally riotous year with about 20 per cent riot cases. Like the sample cities, the commissionerate cities had a very high incidence of cases relating to house breaking and ordinary thefts. The percentage contribution of these cases taken together ranged between 31 and 74. For all the cities, the average figure came to about 57 per cent. The comparable figure for the sample cities was about 53 per cent. Cases under 'criminal breach of trust', and 'cheating' constituted a significant portion of major crimes in the commissionerate cities. These two types taken together accounted for nearly 8 per cent of the total crimes in four cities, *viz.*, Bangalore, Bombay,

Calcutta and Madras. The comparable figure for Ahmedabad and Delhi was about 5 per cent. Hyderabad had the lowest incidence in this respect.

TABLE 3 PERCENTAGE VARIATION OF COGNISABLE CRIMES
IN THE COMMISSIONERATE CITIES, 1965 AND 1969

<i>Cities</i>	<i>1965</i>	<i>1969</i>	<i>Percentage variation</i>
1. Ahmedabad	3,363	3,578	8.39
2. Bangalore	4,176	8,051	92.79
3. Bombay	26,791	25,289	—5.61
4. Calcutta	21,030	10,801	—48.64
5. Delhi	16,216	16,254	0.23
6. Hyderabad	2,805	3,593	28.09
7. Madras	7,010	11,707	87.00

SOURCE: *Crime in India*, 1965 and 1969.

NOTE: Two Commissionerate cities, Poona and Nagpur have not been included in this table, due to non-availability of statistics.

The commissionerate cities are, in general, more populous urban centres than the sample cities and their influence areas are naturally far more wide. In consequence, their crime figures, in absolute terms, are higher than those generated in the sample cities. So far as the broad composition of crimes is concerned, the two classes of cities are not very dissimilar. The dominant crime types in both are house breaking and ordinary theft. In respect of 'white collar crimes', also, the sample cities exhibit the trend much similar to the visible in the commissionerate cities.

ORGANISATION

As regards internal organisation, the first thing that strikes an observer is that all the cities in the sample, including those five which have no separate status from the district organisations, to which they belong, have adjusted their administrative structures to the urban ecology. The urban situation is characterised by concentration of population in limited space which gives rise to high density, congestion, and problems of circulation of traffic and transport. This peculiar habitation pattern creates special problems of policing in the urban areas. As already pointed out, the cities in our sample are in the grip of growing urbanisation, under the impact of which their living patterns are fast changing. The way a separate differentiated structure of police organisation has been evolved in the five cities of Ludhiana, Lucknow, Kanpur, Coimbatore and Jaipur testifies to the definite impact of urbanisation on their police administration.

TABLE 4 PERCENTAGE DISTRIBUTION OF COGNISABLE CRIMES IN THE COMMISSIONERATE CITIES, 1969

City	Murder	Kidnap- ping and abduction	Dacoity	Rob- bery	House break- ing	Cattle thefts	Ordinary thefts	Riots	Crimi- nal bre- ach of trust	Cheat- ing	Counter- feiting
1. Ahmedabad	150 4.19	32 0.89	36 1.0	15 0.42	239 6.68	13 0.36	867 24.23	709 19.82	95 2.66	85 2.38	3 0.08
2. Bangalore	20 0.25	14 0.17	5 0.06	30 0.37	1280 15.90	54 0.67	3887 48.28	60 0.75	261 3.24	352 4.37	6 0.07
3. Bombay	168 0.66	170 0.67	29 0.11	206 0.81	1898 7.51	64 0.25	13523 53.47	577 2.88	1093 4.32	862 3.41	32 0.13
4. Calcutta	68 0.63	139 1.29	14 0.13	52 0.48	746 6.91	22 0.20	5438 50.35	799 7.40	488 4.52	429 3.97	4 0.04
5. Delhi	75 0.46	270 1.66	1 0.01	33 0.20	1149 7.07	73 0.45	9467 58.54	86 0.53	408 2.51	455 2.80	13 0.08
6. Hyderabad	21 0.58	11 0.31	9 0.25	22 0.61	789 21.96	5 0.14	1886 52.49	217 6.04	40 1.11	52 1.45	—
7. Madras	14 0.12	60 0.51	—	4 0.03	211 1.80	52 0.44	5271 45.02	49 0.42	423 3.61	575 4.91	84 0.72

SOURCE : *Crime in India, 1969*. The figures shown in decimal are percentages to total crimes (shown in Table 3).

Although as part of the overall district forces, separate identifiable police organisations have come into being in these cities in response to the peculiar urban situations obtaining in them. Since each city police belongs to the district police system, it is the district police chief, the superintendent (S.P.) who is placed in overall charge of the district police force including the city police force.

Obviously, this puts considerable strain on the district police chief who has to divide his time and energy between the city and the vast rural-urban tracts in the rest of the district. No doubt, the charge is very heavy and it may not always be possible for the head of the district police to neatly divide his attention between the city and the district. If he looks more to the district, the city has naturally to suffer. Contrarily, if he pays more attention to the city, the policing problems of the rest of the district get less of his attention. The dilemma is genuine, and for this reason a *modus vivendi* has been found in the appointment of a police officer of sufficiently high standing as the officer exclusively in charge of the city police force. He looks full-time after city police problems and reports directly to the district police chief. The status of this officer differs from place to place. At Lucknow and Kanpur, he is of the rank of an S.P., the district head being a senior S.P. At Coimbatore and Ludhiana, he is of the rank of Dy. S.P. Jaipur is the only city in our sample which does not have any single officer exclusively placed in charge of the city police. The S.P. for the district is thus deprived of the assistance of a high level officer, the second in command, who could be the focus of responsibility for the city police problems and could report directly to the district chief. Thus, in a very real sense, the Jaipur district S.P. is in charge of the city police force. This is a very heavy burden indeed which could have been lightened by having a single officer of sufficiently high status as the head of the city force working directly under the D.S.P. In contrast, the police forces of the three cities of Bhopal, Trivandrum and Ernakulam do not form part of the police organisations of the districts within which they fall. The jurisdiction being limited to the city area only, the police organisation in these cities has a superficial similarity with the structure of police administration in the commissionerate cities such as Bombay, Calcutta, Madras and a few other others. In fact, the Ernakulam police chief used to be called a commissioner, and even now the head of the police force of Trivandrum city is called the commissioner—a designation which is a misnomer. In common with the head of the police of Bhopal city, the police chiefs of these two cities are really S.Ps. who are managing the forces exclusively within the cities under the general control and direction of the district magistrate having jurisdiction over the entire district including the cities. The advantage in

this arrangement seems to be that the city police chief has not to bother about the policing problems of the whole district. Being in exclusive charge of the city police, he is naturally able to devote all his time and energy to the police operations within the city only. The dissimilarities between these three city police units and the organisations of the other five cities that are inseparably linked with their district organisations, are more apparent than real. The city police forces in both the groups function under the overall control of the respective district magistrates.

The S.P. occupies a key position in the police management structure. On his planning and managerial ability depend the optimum utilisation of resources, proper deployment of manpower, and the ultimate success of police operations. Surprisingly enough, this key managerial role of the S.P. is not always realised. In no city police organisation is there a high-level planning staff who could assist the S.P. in evolving alternative strategies for police operations.

Availability of adequate manpower resource is a condition precedent for good policing. The sample cities vary widely in this respect. Table 5 shows their comparative police strength in 1969. Of the three most populous cities in the sample, *viz.*, Kanpur, Lucknow and Jaipur, Kanpur's position is the worst in the terms of manpower, and Jaipur's is the best. In fact, Jaipur occupies the first rank among all the eight cities.

The data in Table 5 also reveal the acute shortage of manpower in relation to population in the three cities of Kanpur, Ludhiana and Coimbatore. Inadequate police manpower adversely affects the police-people ratio and the city's protection against crime and other offences. It is not possible to suggest a standard police force for a city, keeping in view an optimum police-people ratio. The cities, as in the sample, vary in crime generation. Also crime statistics are not always very reliable. Each city has to evolve its own optimum police-people ratio on the basis of its peculiar needs and conditions. Still, on the strength of available facts, it can be said that except Jaipur all the cities in the sample are understaffed. This raises the question of techniques of manpower provision which is currently being done mainly on the basis of crime figures. We did not study the problems of manpower planning in depth, but we strongly feel that the concerned state police authorities should devise more appropriate formulae for manning the city police organisations including such additional criteria as manpower requirement for crowd control and procession and demonstrations, administration of various social legislations, public relations, civic services, and so on. What we are insisting on is that the manpower requirements of city police forces have to be more rigorously and scientifically estimated keeping in view the

TABLE 5 SAMPLE CITIES : STRENGTH OF POLICE FORCES, 1969

<i>City</i>	<i>Total force</i>	<i>Estimated population (in lakhs)</i>	<i>Proportion of people to policemen</i>
1. Bhopal	1,557	4.4	283 : 1
2. Coimbatore	356	3.4	955 : 1
3. Ernakulam	1,781	5.9	331 : 1
4. Jaipur	4,468	6.1	176 : 1
5. Ludhiana	380	4.5	1184 : 1
6. Lucknow	1,490	8.0	537 : 1
7. Kanpur	1,407	12.7	903 : 1
8. Trivandrum	2,023	4.0	198 : 1

SOURCE : Replies to questionnaires from city police authorities.

manifold demands on the police in the urban situation, and the indices for manpower provision should be radically different from those applicable to a rural situation. It is our hunch that the present strength of the city force in almost all the cities which are tagged to the district system is estimated on the same criteria as are applied to rural policing. At best, some improvisations have been made here and there, but no conscious attempt seems to have been made to equip the cities with requisite manpower from the viewpoint of the urban policing needs. In regard to manpower provision, the concern for quality should be as important as that for quantity. In fact, quality staff goes a long way to help reduce quantity.

TERRITORIAL UNITS

Police organisations in all the eight cities have two basic territorial units for the purposes of ground level operations. These are the police station and the 'circle'. The circle usually consists of two to three police stations and the general practice is to post a circle inspector (C.I.) to coordinate and supervise the work of the police stations falling within the circle. Occasionally, the C.I. would himself take direct operational charge if the situation so demands. But the main purpose of having a C.I. is to ensure proper supervision, guidance and coordination of ground level operations. He is the link between the basic unit of police work, *i.e.*, the police station and the city police chief.

The location of an intermediate officer between the city police chief and the police station raises problems of administrative decentralisation and coordination. In recent times, there has been criticism against the C.I. whose *raison d'être* in the organisational set-up has been questioned.

The number of police stations in our sample cities varies from

place to place. The minimum number is at Ludhiana (5), while Lucknow has the maximum number of police stations (14).

The average population served by a representative police station in the sample cities varies between about 60,000 at Erankulam to 100,000 at Kanpur. The police stations at Kanpur, Ludhiana and Jaipur have, on an average, to cover a very large population. The figure is also quite high in the case of Lucknow and Coimbatore.

The police station at Bhopal has, on an overage, to serve the maximum area (57 sq. kms.). The average area served by a police station at Trivandrum (33.4 sq. kms.) and Ernakulam (23.14 sq. km.s) is also not insignificant. Of all the cities, Ludhiana has the minimum area per police station (5 sq. kms.).

The police stations are manned on an average by 1.9 officers and 66 men in Trivandrum, 2.6 officers and 90.4 men in Ludhiana, 11.33 officers and 161.6 men in Bhopal, 2.6 officers and 35.3 men in Coimbatore, 2.0 officer and 64.9 men in Erankulam, 13.3 officers and 135.5 men in Kanpur, 10.9 officers and 91.6 men in Lucknow and 13.0 officers and 109.1 men in Jaipur. The officers-men ratio is low particularly in the three southern citites and in Ludhiana. On an average, the police stations in these cities have less men per police station than the others. Lucknow also suffers in this respect. The details are given in Table 6.

It appears that the organisation of police stations differs from city to city. Especially, the population coverage of the police stations shows considerable variations. Thus, Kanpur which is now a million plus city in the 1971 census has only 9 police stations, whereas Bhopal with almost half this population has the same number of police stations. Ernakulam, which is slightly more populous than Bhopal, has 10 police stations. Lucknow, with about 8 lakhs population in the 1971 census, has 14 stations—five more than Kanpur. Jaipur which has a population of more than 6 lakhs, as per the 1971 census, has the same number of police stations—eight stations—as Trivandrum which is now a city of about 4 lakhs people. Coimbatore—a city of less than 4 lakhs population (1971 census) has as many as seven police stations—one less than Jaipur. It seems that the southern states are more liberal in the matter of providing police stations to the cities than their northern counterparts. At any rate, the average population served by each, police station in the two cities of Kanpur and Jaipur seems to be on the very high side. In the absence of adequate transport facilities communications gadgets, and manpower resources, high population coverage of a police station naturally tends to adversely affect its working.

The primary purpose of locating police stations at specific points in the local areas is to render service and protection to the citizens at

TABLE 6 AVERAGE POPULATION SERVED, AREA COVERED, NUMBER OF OFFICERS AND MEN PER STATION, 1969

<i>City</i>	<i>No. of police stations</i>	<i>Average population served per P.S.</i>	<i>Average area per P.S. (in sq.km.)</i>	<i>Average number of officers per P.S.</i>	<i>Average number of men per P.S.</i>
1. Bhopal	9	49158	57.00	11.3	161.6
2. Coimbatore	7	51025	16.80	2.6	35.3
3. Ernakulam	10	45777	23.14	2.0	64.9
4. Jaipur	8	76643	14.60	13.0	108.1
5. Lucknow	14	55745	10.51	10.9	91.6
6. Ludhiana	5	80000	5.00	2.6	90.4
7. Kanpur	9	100000	14.84	13.3	135.5
8. Trivandrum	8	45966	33.40	1.9	66.0

SOURCE : Filled in schedules received from the city police authorities.

quick notice. The emphasis is on prompt service. But, our police stations, instead of being citizens' service stations, are very often avoided by the citizens for whom they are meant. In the course of our field trips, we heard from eminent public men in different walks of life stories of dishonesty of the station house staff, harassment of citizens, indifference to complaints and a general reluctance to come to the aid of the people.

The general practice is that the police station is headed by the lowest officer in the police hierarchy. His supporting staff consists of head constables and constables—none of whom can be relied upon for the discharge of important responsibilities. The whole emphasis of our police station organisation is to put a certain quota of men without regard for the quality that is needed to efficiently perform the important functions entrusted to this level. In consequence, the station staff is found deficient in both static and mobile duties. Inside the station, the tendency is to keep up a show of record maintenance, investigation is not properly attended to. In the absence of adequate staff and due to pressing problems, the officer-in-charge of a police station generally tries to avoid responsibilities. The higher-level supervision being extremely weak and perfunctory, he tries to manage things by doing the minimum. It is small wonder then that the station house officer (S.H.O.), under the circumstances, tends sometimes to be a local despot throwing his weight about and indulging in corrupt practices. His supporting staff—the head constables and constables—are infinitely loyal to him, as he generally allows them to have their way. Drawn largely from the agricultural class, the present constabulary is generally unfit to function in city surroundings. At best, the constabulary can be of some use in the show of force; but its

members, even if trained, are unable to master the principles of police work both in the law and order field and in criminal investigation work. In no developed country is police work at any stage entrusted to the types of unskilled labour that we have been traditionally using in our police force.

During our visits to the sample cities, we heard the universal complaint that police station work—mainly beat duties and surveillance work, and criminal investigation—was almost going by default primarily because of the deployment of staff on ‘bandobast’ duties. When a V.I.P. visits the city, or processions and demonstrations are being staged, the normal work of the police station is thoroughly upset. Men and officers are drawn freely on such occasions, which are quite frequent, from the police stations to meet these emergencies. There cannot be a more disastrous police policy than this. It is rather ironical that every state has been steadily, building up a strong force of armed police, sometimes at the cost of the normal civil police; yet it is the latter that has to bear the brunt of emergency situations. It stands to reason that unless the present practice of withdrawing men and officers from normal police work is stopped forthwith, the entire police system will continue to be inefficient.

In our city police organisations, functional specialisation does not seem to have been overtly encouraged. The universal tendency is to make the policeman a jack-of-all trades; naturally, therefore, he is master of none. Police organisation in India is unconscionably oriented towards law and order duties, and this has been its fate since the recommendations of the first police commission (1860) which rejected the idea of constituting a separate detective wing. On the recommendation of the Fraser Commission, the provincial criminal investigation departments were brought into being around 1907. Since then, the detective work has remained highly centralised and no attempt has really been made to develop the C.I.D. as a specialised operative branch at the local level. During the British regime, it was the special branch which was engaged in collecting political intelligence, that looked like what may be called detective service. Even today, the members of the special branch alone go without uniform much like the members of the C.I.D. in the western countries. This proves that tradition dies hard and we are still to get used to the idea that specialised detective wing *without uniform* is an indispensable part of efficient police force. It may not be an exaggeration to say that because of our inordinate emphasis on law and order duties, we do not have in our force any C.I.D. in the western sense of the term. Owing partly to this reason, the police force tends to pay lip service to criminal investigation work. There is no scope for specialisation, it is not wanted by the system. In consequence, our state and district

organisations are just show pieces. Crime record maintenance and the M.O.B. are actually hanging on the fringe, as these have hardly any direct, purposeful operational connections with the real theatre of vital police operations—the police station³. It is in this context that the development of the C.I.D. as an integral but distinct part of the city police force has to be carefully considered.

At the moment, in Tamil Nadu and Kerala, arrangements have been made to separate the investigation staff from the law and order staff at the police station level. Where there is more than one sub-inspector, one of them is entrusted with investigation work with a complement of supporting staff. In fact, however, this remains often a paper scheme, as owing to the pressure in the law and order field, the investigation staff is frequently used for law and order work.

Mere separation of the two types of staff—law and order and investigation—cannot solve the problem. If the criminal investigation branch has to be seriously evolved as a separate, specialised wing of our police system, we need to have a firm state police policy in this regard. Having enunciated such a policy, the criminal investigation staff has to be separated in the police force all along the line.

Another important issue revolves round the question of police-magistracy relationship. Apart from a few commissionerate cities, all other cities in India form integral parts of the district administration headed by the collector. District administration was originally conceived during the British regime as essentially a form of rural administration. Over the years, under the impact of urbanisation, cities have sprouted up in many of our districts. For instance, cities like Kanpur, Nagpur, Poona, etc., are now very large urban complexes where policing has assumed a very different character due to run away urbanisation. These cities have been converted into municipal corporations in order to suit the local administration in the changing situation. Police administration, however, has not changed materially in these cities. Only recently, Poona and Nagpur have been converted into commissionerates but the other cities like Kanpur are still having the traditional district system of administration under which the city and the district are not separated and the police chief, namely, the D.S.P., is placed under the general control and supervision of the collector. We are not discussing whether the structure of police administration in the district needs to be reformed. Our central point is: in the bigger cities which fall within the jurisdiction of one or the other district, there is a case for re-examination of the relationship between

³Currently, some state police organisations are in the process of computerisation of data at the state headquarters. This is no doubt a step in the right direction. Alongside this however, care has to be taken to improve the working of police stations so that 'reliable' data move up to the computer.

the police chief and the collector. It would be a travesty of fact to play down the friction and conflict that take place not infrequently between the police chief and the collector in many of our larger cities. The general tendency is to lightly brush it aside and treat it as mere personality conflict or a conflict between two officers belonging to two different all-India services. The problem has deeper structural implications which need to be carefully examined. Perhaps the most forceful argument was put forward by the recent Delhi Police Commission (1966-68) which tried to place the problem of police-magistracy relationship against the backdrop of urbanisation. The upshot of the Commission's argument has been that in a big city situation, where police problems are numerous and highly complicated, police administration needs to be concentrated in the hands of a single authority, and the present duality stands in the way of quick decision and prompt action.

In recent times, quite a few state police commissions have examined this problem in some detail. For instance, the Bihar Police Commission (1960-61) recommended a modified commissionerate system for Patna and Jamshedpur. The Uttar Pradesh Police Commission (1960-61) set up a small sub-committee to examine whether the commissionerate system should be adopted for the Kanpur city. Although the sub-committee recommended the adoption of the commissionerate system for Kanpur, the Commission rejected the idea mainly on the ground that the police chief in the reorganised system cannot be made accountable to anybody because of the location of the city away from the State capital. The Maharashtra Police Commission had briefly discussed the problem and recommended the introduction of the commissionerate system in the cities of Poona and Nagpur. Although these two cities, like Kanpur, are away from the state capital, the recommendation was accepted by the Maharashtra Government and the commissionerate system was adopted for these two cities. From the all-India point of view, it remains to be examined if the commissionerate system can be introduced in our larger urban complexes on certain objective and scientific criteria and not on extraneous considerations.

The distinguishing features of the two systems, namely, the district system and the commissionerate system, can be briefly stated as follows. In the district magistrate system, the district magistrate is in overall charge of the criminal administration of the district and he is the final authority, legally speaking, in any matter affecting law and order. In contrast, in the commissionerate system the district magistrate has no role in law and order and crime administration. The entire police force is placed under the charge of a single functionary called the commissioner of police. He is endowed with all the

regulatory and licensing powers under various Acts which are normally exercised by the district Magistrate in a district. Besides, the powers of restraint under the Code of Criminal Procedure are also vested in the commissioner. Additionally, in Madras, the Commissioner of Police possesses powers of remand under Section 167 of the Code of Criminal Procedure.

In the district system, after the separation of the executive and the judiciary, the district magistrate has certain specific powers in regard to police administration. These powers may be divided into two broad classes: one relating to internal police administration, the other relating to criminal administration *per se*. The district magistrate's direct control over the police force differs from state to state, but there are certain general features everywhere. For instance, the district magistrate is used as a post office for communication between the S.P. and the superior police officers such as the Dy.I.G. and the I.G. Everywhere the district magistrate has been empowered to inspect station houses. In Uttar Pradesh the district magistrate is consulted by the S.P. about the transfer of S.H.Os. In Tamil Nadu and Kerala the powers of the district magistrate over the district police organisation are more numerous. For instance, in Kerala the district magistrate forwards a special confidential report on the work and conduct of S.P. to the I.G. A very ticklish issue has been the writing of the annual confidential report on the S.P. by the district magistrate. The general tendency nowadays is towards doing the performance appraisal of the S.P. departmentally.

With the separation of the judiciary from the executive, the powers of the collector in respect of law and order and crime administration are now limited to the issue of prohibitory orders under section 144 of the Code of Criminal Procedure and to the security sections of the Code. He exercises some miscellaneous powers relating to closure of investigation, expunction of offences, conduct of magisterial inquests and disposal of unclaimed property. Certain regulatory and licensing powers have also been vested in him under special Acts. Above all, the S.P. has been statutorily placed under the general control and supervision of the collector.

The collector's control over police administration dates back to an era in history when 'policing' as a specialised and differentiated function did not exist. It is only over a century, that the police department steadily evolved as a full-fledged functional department. Especially in the urban areas, the imperatives of the situation demanded considerable specialisation and organisational diversification.

It is not difficult to prove that city police administration can be managed much more efficiently, if authority is concentrated in the hands of a single police chief. Elementary principles of management

would tell us that splintering of authority creates problems of co-ordination and confusion in organisation. Logically, therefore, it follows that the commissionerate system is good from the managerial point of view. In this respect, the arguments of the Delhi Police Commission in favour of the commissionerate system are almost irrefutable. The only point that needs to be resolved is: the system should be introduced in which size-class of cities?

Another important consideration is to forge a formal link between the collector and the city police chief, as in many ways these two functionaries have to depend on each other for many things. Even if the city police chief can be liberated from his present position of formal subordination it is in the interest of state administration that the two functionaries work in close consultation and collaboration.

CONCLUSIONS

It will be taking too narrow a view to think of the policing problems in our growing urban areas only in terms of the police-magistracy relationship. There are many more important problems involved here. If police organisational efficiency has to be increased in the big cities, the organisation has to respond to critical changes brought about by urbanisation. What is needed is a 'pro-active' and not a 'reactive', organisation. The organisation must have built-in arrangements to scan the environment in search of data for future happenings against which it will have to be alerted. Even in normal times, the management problems involved in the handling of police manpower, transport and other equipments and in public relations are exceedingly complex in a big city situation. These call for managerial talent of a fairly high order all along the line. Police organisations in our larger cities will, in future, have to be much more conscious about it than ever before.⁴ □

⁴Admittedly data and information presented in this paper need to be updated. Importance should, however, be attached to the issues raised.

Police Administration Its Challenges and Prospects*

S. S. Dhanoa

THE PRESENT police system in India is a legacy from the British. In the words of J.C. Curry, "The present police system is a creation of the British Government and rests on the basic ideals of efficiency and subordination to the law of land." There was an outcry against the police for having been instrumental in suppressing the people during the British days, and the outcry has continued after the transfer of power and is still equally strident. Almost all the major state governments had appointed police commissions to go into working of the police in order to suggest reform and restructuring of the police force. Police reform finds mention in the 1977 manifesto of the Janata Party, in pursuance of which the National Police Commission has recently been appointed. The fact, however, remains that with minor changes, more or less peripheral in nature, the police system as designed by the British has continued. The very survival of the system despite the continued onslaught perhaps speaks for its strength, necessity and indispensability.

POLICE SYSTEM AND THE ROLE OF THE POLICE

The unique feature of the Indian police system is that it is organised on a provincial basis. It is supported, aided and guided by the central government. The recruitment, training and cadre management of the Indian Police Service is with the central government. The control at the state level is vested in the office of the inspector general of police who, in turn, is accountable to the political authority in the state through the civil secretariat. At the district level, the head of the police force is the superintendent of police who is expected to work under the general guidance and supervision of the

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district officer so far as maintenance of law and order in the district is concerned. The superintendent of police is accountable in the performance of his duties, so far as management and discipline of the police force and prevention and control of crime in the district is concerned, to the inspector general of police. The relationship of the superintendent of police with the district officer has been the subject matter of discussion and dispute but more or less it is accepted that, though strictly not a superior officer, the district officer is in a position to instruct and guide the superintendent of police so far as maintenance of law and order is concerned.)

The public image of the police, however, has continued to be bad, the police being considered as an alien authority in the society reeking with corruption and generally unresponsive to the aspirations of the people. The policeman is viewed as some sort of a 'gorilla in uniform'. One judge of a High Court went so far as to state that "there is not a single lawless group in the whole of the country, whose record of crime comes anywhere near the record of that organised unit, which is known as the Indian police." This, of course, is an extreme view. It cannot, however, be denied that the basic distrust of the police in the minds of the people has continued after independence, and is continuing.

Every crime wave, especially in the urban centres, or a manifest breakdown of law and order in any large area or another massive upheaval generally brings in the demand to scrap, reform or replace the police force in the country. It was expected that the maintenance of law and order would cease to be an important function of the state after independence and that the most important task of the administration would be development in all its aspects and welfare of the people. An attempt was made in certain states to relieve to district officer of his responsibilities for maintenance of law and order so that he could give his undivided attention to developmental work but the actual functioning of the democratic system in the country has shown that maintenance of law and order will continue to be the primary responsibility of the district level administration because it is obvious that no development is possible without order in the society and the very process of development generates disorder which requires effective control and management.

Various people have looked at the problem of police administration in various ways and have come up with different solutions from time to time. (It is said that the problem is created because the police is still functioning under the outmoded Indian Police Act of 1861. The police feel handicapped in taking the right action due to the dilution of responsibility because of dual control and political interference. The lack of clear aims and objectives has been held to be one

of the factors responsible for confusion in dealing with situations which arise from time to time.) The lack of professional competence at the lower levels or at the cutting edge level, it is said, has made the task impossible for any meaningful improvement in the police set-up. The increasing politicisation of the people has complicated the task of the police further. Agitational politics has tended to subvert the priorities for the police because instead of being concerned with prevention and control of crime, the police, of necessity and to some extent by choice, find themselves solely pre-occupied with maintenance of public order for which responsibility is diffused and accountability difficult to determine. The hard and unrelenting labour required for detection of crimes is replaced by cheap thrills and publicity that is involved in running about for maintenance of public order.

The police is an organ of society developed for the preservation of social order and protection of the state authority. It is an instrument forged to serve a particular purpose. The effectiveness of the instrument depends on the capability of the wielder of the instrument, as also on the quality of the instrument. How the instrument has been kept and in what condition, where and when and against whom it is to be used, will determine its success or failure.

THE CHALLENGES

Any analysis of the adequacy or inadequacy of the police force in the country naturally leads us to examine the system under which the police functions. Shri Govind Narain, the then Union Home Secretary, while addressing a seminar (May, 1973) on 'Public Order in the Changing Environment' at the Lal Bahadur Shastri Academy of Administration observed: "The manner in which any society is managed and the way in which any social system functions, are themselves often responsible for leading to situations which can develop into internal threats and a study of the social system, therefore, becomes equally pertinent to our theme." We happen to be a highly complex society with a technology from bullock cart to the Boeing plane. The contrast between the rich and the poor and between region to region in the country is a fact of life. Narrow sectional interests still guide and motivate most of our men who matter in public life. The periods of unity in our history have been rare as compared to periods of strife and conflict. We have chosen to adopt the most difficult form of government, i.e., the democratic form which only a few countries in the world are able to uphold. We have also adopted social change as a deliberate national purpose of our public policy exemplified by the Directive Principles of the state policy enshrined in our Constitution. Whereas generally law follows social

change, we have tried to foster social change through law. We have inherited our administrative structure from the colonial power who had developed and maintained the administration for perpetuating their colonial rule. The structure is found to be lacking in efficiency and probity. We have tried to make the same administrative structure to serve a sovereign democratic republic. The democracies in other parts of the world have grown out of local democratic institutions operating in the society and the central government is only a replica of other institutions operating at various levels in their society. But we have been trying to build up institutions to support the democratic governments at the state and central levels with varying degrees of success in various parts of the country. The present position is that democracy in India is still a delicate plant but recent elections have proved that the will of the people to sustain and continue with democratic form is unmistakable and firm. The other feature of our democracy is that agitational politics has become a part of public life. No government can hope to be complacent about the fact that it has a period of five years to implement its programmes even after a massive mandate for it in the election, because the day a government is formed, groups, out of political power, take up issues to undermine the credibility, legitimacy and effectiveness of the government in order to oust it from power. Given the lack of literacy and weakness of the mass media, perhaps there is no alternative but to resort to agitational politics in order to reach one's programme to the people. The police, therefore, have a perpetual task of upholding and protecting the state authority whatever party may be controlling the government.

There was a seminar on the role of the police in September, 1977 which the Indian Police Service in Bihar had organised and this was addressed by Shri Jayaprakash Narayan. The author was privileged to attend it. Shri Narayan clearly accepted that there could not be a society without the police. He was also clear in his mind that the police should not obey unlawful orders but he left it to the participants of the seminar to work out as to who and at what level and in what circumstances should take the decision whether orders were lawful or not. He obviously did not imply that he had said about not obeying unlawful orders could apply to every constable in the force, but there are situations in which the law courts have held that even a police constable could disobey orders that were manifestly unlawful. It appears that there is no confusion so far as the role of the police in the prevention of crime, detection of crime and prosecution of criminals is concerned but the confusion arises as soon as one comes to the role of the police involved in upholding and protecting state authority. It is the police in this role that needs some

definite guidelines. Prof. P. D. Sharma in his book 'Indian Police—Development Approach', has posed the problem as follows : "There is a very thin line between order and disorder in a society. The moment the law ceases to be legitimately valid, disorder can be declared to be a healthy catalyst. If the political parties do not break laws enacted by parties of the opposite breed, there is very little which they can oppose to or offer as an alternative programme. What needs to be understood is that as custodians of peace and order, the administrators should maintain a sense of proportion and allow the process of democracy to operate freely in a manner that marginal disorders, consistent with social equilibrium, may permit and even force change in the statute books."

The police system that has to operate under these conditions cannot be a purely departmental system under a departmental hierarchy accountable only to the political executive at the state level. The central government (Janata Government) have appointed the Shah Commission to go into the excesses committed during the emergency. Two interesting incidents came up before the Commission which seem to be relevant for this article : There was firing by the police at Turkman Gate (Delhi) allegedly without order from any magistrate. The D.I.G. of Police after some time, it was said, approached a politically top person to intercede so that some magistrate could be made to assume responsibility for the police firing. The second incident that was mentioned was about the arrest of various political leaders on the night of June 25, 1975. The police officers entrusted with the task of arresting the leaders insisted on having written orders from magistrates before effecting the arrest and such orders had to be passed by the magistrates before the 'operation arrest' could be launched.

It is not my intention in any way to anticipate the findings of the Shah Commission or to pass any judgment on anyone but both the incidents in a way illustrate the purpose and the vindication of the peculiar system of dual control that has been provided in the Indian police system. The political authority obviously at the highest level had to intercede in order to make the system succumb to something that was not lawful. The involvement of the district officer only ensures that the system will function despite pulls and pressures at any one level unless both the district officer and the superintendent of police get brow beaten which can happen in a situation of arbitrary power, due to the malfunctioning of the political system, and against this there can be no administrative remedy. The politicisation of the people and the resort to mass action by political parties in opposition has made the handling of law and order by the administration an activity of vital importance. The fact that the political party in power can use the police to collect vital intelligence about their

opponents in order to frustrate their efforts has further added to the attraction and the temptation that the police holds for the politician. Despite observations off and on, it cannot be denied that the dual control of the police machinery has permitted the democratic politics to function in the country, may be somewhat imperfectly but it has successfully preserved the trust and the confidence of the people at large in the impartiality and fairness of the administration. The leaders of the present government (Janata) and Shri Jayaprakash Narayan have openly expressed their confidence in the capability of the district administration in the country to conduct a fair poll during the darkest hour for our democracy, and the subsequent events have fully vindicated their confidence. Unfortunately the saga of nameless heroes who stood for honest and lawful discharge of their duties despite pressure and threats does not come before the public in order to help them to appreciate the system, even in the present rundown conditions.

ROLE OF DISTRICT OFFICER

It has come to be appreciated in the sphere of development that in vital fields where results must be achieved, a coordinating and supervisory role has to be given to the district officer. In all emergencies, there is no one else except the district officer to whom the government and the public turn. District officers are backed up during such periods or drives, but forgotten, if not abandoned, immediately thereafter. It has been seen that whenever a general or national objective is to be achieved the agency that serves best is the district officer but as soon as narrower objectives appear, the district officer turns out to be a 'hindrance' who should be short-circuited if not humiliated. I would even venture to say that the present level of effectiveness, efficiency and credibility of administration in the different states is directly related to the respect and confidence that is reposed in the institution of the district officer. If the district officer sometimes has been found wanting in the leadership role, the fault lies in the fact that role has not received the open and full backing of the state governments.

The recent findings of behavioural scientists, such as the concept of informal organisation, grape vine and group dynamics, etc., have further underlined the importance of an authority in a leadership role who could guide policies for handling maintenance of law and order. The threat to public order arises from the action of groups acting in concert or independently in a manner prejudicial to the maintenance of public order. The threat to public order is generated first in the minds of men and it is in the minds of men that it has to be tackled. No amount of publicity campaigns can remove misapprehensions unless opinion leaders of different groups could be

reached and converted to the viewpoint of the administration, their genuine misgivings set at rest and, what is more important, their articulated or unarticulated objectives are demonstrated either to be not dangerous or that they are beyond any hope of achievement. A district officer by virtue of his position as representative of the government, vested with a variety of legal, statutory and administrative powers is the only person who can be expected to perform such a role. A social order like ours which is subjected to so much of strain at all points cannot survive if a deliberate provision of balance is not built into the system which, under the present circumstances, can only be through the recognition and reinforcing of the pivotal role of the district officer in the police system.

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Police Reform in Retrospect*

Anandswarup Gupta

THE TWO words 'police reform' have been much used and abused in India for nearly 200 years. The 'darogah' system of the Moghuls functioned under remote control and had come to be thoroughly unreliable, inefficient and oppressive towards the end of that era. The movement for a reform of the system started with Cornwallis taking over the administration of the police and criminal justice into British hands in 1792-93. The several experiments made by the Company's rulers in Bengal, Madras and Bombay failed to change the climate of abuse in which the police functioned because of a variety of defects and the outline of a new organisational system at last emerged in the Despatch which the Court of Directors in London sent to India on the September 24, 1856. They had said in this letter: "That the police in India has lamentably failed in accomplishing the ends for which it was established is a notorious fact; that it is all but useless for the prevention, and sadly inefficient for the detection of crime, is generally admitted. Unable to check crime, it is, with rare exceptions, unscrupulous as to its mode of wielding the authority with which it is armed for the functions which it fails to fulfil, and has a very general character for corruption and oppression."

Then came the first war of Indian independence and a system, essentially different to that worked out by the Court of Directors, was introduced in imperial India by the Police Act of 1861 and the procedures for its operations were laid down in the Criminal Procedure Code, first enacted in 1861, and the Indian Evidence Act, 1872. The Code was amended repeatedly and came to assume practically its present shape in 1898.

In the meantime, a vastly different system had been introduced by the British in their own country between 1829 and 1856. But, of course, England was a free country and India was British colony, inhabited by a poor, uneducated, and 'primitive' people, whose rulers were

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aristocratic autocrats.

The new system also failed to bring about any change for the better in either the character or the conduct or the efficiency or the reputation of the police of the country.

COMMITTEES UNDER THE CROWN

While India remained under the Crown, a number of committees were appointed in the provinces from time to time for a reform of the systems, both before and after the major effort of Lord Curzon in this direction through the police commission which he appointed in 1902. These included the Beames Committee of Bengal and the Kaye Committee of the N.W.P. of Oudh of 1890, the Porter Committee of the U. P. of 1923 and the Lumsden Committee of the Punjab of 1925, and several others.

The Commission of 1902, which examined the system, after it had been in operation for forty years, pronounced that it had failed. The Commission provided a long and graphic description of the work of a police station, which was, if anything, more lurid and disturbing than similar descriptions dating back to Wellesley's enquiries of 1804. In an early part of their report they said: "There can be no doubt that the police force throughout the country is in a most unsatisfactory condition, that abuses are common everywhere, that this involves great injury to the people and discredit to the government, and that radical reforms are urgently necessary. These reforms will cost much; because the department has hitherto been starved; but they must be effected."

The Commission repeated their finding towards the end and said: "The police force is far from efficient; it is defective in training and organisation; it is inadequately supervised; it is generally regarded as corrupt and oppressive; and it has utterly failed to secure the confidence and cordial cooperation of the people." But at this stage, they admitted: "The proposals for reform submitted by the Commission are not, however, of a revolutionary character."

In retrospect, it is not an exaggeration to state that all the exercises undertaken during the British rule for reforming the police were no more than expensive exercises in futility, for India inherited, on becoming independent in 1947, the 1861 system unaltered in any basic respect.

What is more remarkable is that, although practically every examination of that period showed up with unmistakable conclusiveness the fundamental defects of the system, the reforms that were decided upon and implemented did not proceed beyond superficial adjustments in the system aimed more at economy than at efficiency and integrity in the discharge of the basic functions of the police, which are common to all countries.

The independence of the country in 1947 and the promulgation of a new Constitution on January 26, 1950 ushered in a radical transformation in the political, social and economic character of Indian society. Politically, the country became a secular, socialist democracy based on adult franchise, guaranteeing to all its citizens various rights and freedoms as enshrined in the Constitution. A society wedded to status moved towards a society bound to contract. A purely agricultural economy started in rapid strides towards a conversion into a modern, technologically competent agro-industrial economy. These changes, inevitably, widened the role of the police and made it more complex. What is more important, they called for a new approach towards the functions and organisation of the force on the part of the government and a reorientation of attitudes and approaches on the part of policemen.

The existing system was scrutinised by as many as ten different police commissions set up by the states and Delhi during the period from 1958 to 1971. It was reported on in an elaborate thesis by the working group on police administration of the Administrative Reforms Commission submitted in 1957. These scrutinies also showed, by and large, the same maladies, as of yore, still rampant. The defects of the system were pointed out in a succinct manner by the Committee of Police Training appointed by the Government of India in November 1971. But, alas, these labours also did not produce any of the changes that were really required. In fact, all that resulted therefrom was a further refinement and, indeed, reinforcement of the 1861 system, albeit with an input of increased strength, equipment and scientific resources.

ACCOUNTABILITY OF THE POLICE

(The functions of the police everywhere are the prevention and detection of crime, the prosecution of offenders and the maintenance of order. For discharging these functions, the police are endowed with what are called the 'coercive powers' of the law and they form a part of the executive and judicial processes devised by modern industrialised societies, seized of the notions of the rights of man and the liberty of the individual, for achieving the deterrent objective of the criminal law, whose ultimate sanction is the punishment that may be awarded to an offender by a court of justice before whom the police must produce him, along with all the evidence that they have gathered against him.)

((The crucial and age-old problem that is inevitably involved in the fulfilment of this fundamental responsibility of every government is that men vested with the 'coercive powers' may abuse their authority to the distress of the citizen and the advancement of their own career or financial interests. It follows that the most vital question in the

matter of 'police reform' is as to how to ensure that the opportunities for the abuse of authority are minimised to the maximum extent that human ingenuity can devise in a machinery to be run, supervised and controlled by imperfect men, whose actions must necessarily be actuated by the common human desires for name and fame, wealth, comfort and, if possible, luxury.)

The answer to this question has several aspects, which cannot be treated in detail in a short article. (I will, therefore, draw attention only to what seem to me to be the most important of them. First of all, is the aspect which relates to the accountability of the police. That they should be effectively accountable to some independent authority is axiomatic. In the erstwhile colonial regime, this accountability, however disguised, lay to the executive arm of the government through the district magistrate.) If proof were needed, one can see the Police Act, 1861, the Minute of Sir James Fitzjames Stephen, the 'political philosopher of the I.C.S.,' of 1870, the lengthy observations of the Police Commission of 1902, and the remarks of the Decentralisation Commission of 1907, the Simon Commission and finally the Joint Committee of Parliament on Indian Constitutional Reforms of 1933-34. (But in a democratic system, in which the rule of law prevails and there is to be no despotic exercise of authority, the police must be made really, truly, and effectively accountable to the law. This crucial 'reform' is still, and most unfortunately, subject in India to a most unseemly and wholly unnecessary inter-service rivalry and a short-sighted passion in politicians for exploiting the administrative machinery for their own individual or partisan ends.)

(There are several very undesirable by-products of the existing system of accountability, only some of which came to the boil during the emergency. The most important of these are that it raises an impregnable stumbling block in the development of professionalism in the police and neutralises the administrative police officers of the rank of D.I.G. and I.G. as professional police officers and promotes political patronage in the police administration, at times in favour of the incompetent and the unworthy.)

An incidental but very important issue in this context relates to the intelligence machinery of the government. The British Government developed from small beginnings in 1877, a very elaborate and extensive agency for the collection, collation and dissemination of political intelligence, particularly after revolutionary activities started in the wake of the partition of Bengal in 1905. The Congress struggle for freedom never had any officially sponsored 'underground' cell for 'subversive activities', but the machinery was used in full force to help in the suppression of the several civil disobedience movements. This was also inevitable in a colonial regime. The discussions which

preceded the introduction of provincial autonomy in 1937 contained clarifications in this respect and the British practice was also quoted, but the anxiety at the time was not one of principle but the devising of a check of Indian ministers in charge of the police in the provinces so as to preserve the special responsibilities of governors and the governor-general for maintaining British hegemony over India, in spite of the constitutional changes, then about to be introduced.

But the fact is undeniable that the use of an official intelligence agency to watch over the political activities of the parties in opposition to the ruling party is a curse in a democratic system of government, which should limit the operations of such an agency strictly to the activities of elements wedded to the use of violence in the achievement of political or partisan ends and the normal requirements of security in an age of international terrorism. India's diversities of religion, language, etc., undoubtedly, present a uniquely difficult problem in the administration of law and order. What is important, however, is to remember that the use of a government intelligence agency, against the opposition parties indiscriminately, automatically gives a political orientation to the police force as a whole and leads large sections of the people to mistrust their *bona fides* even in normal police work.

POLICE STRUCTURE AND ORGANISATION

The second important aspect of 'police reform' relates to the structure and organisation of the police force. The 1861 system was devised solely on imperialist considerations, which were never forgotten by the commissions and committees which struggled with the problem of reform. These were the developments of the police as the repressive arm of the government, distrust of Indians as a race, the paramount need to retain the leadership of the force in British hands, the strictest possible economy in administration and the theory of an abundant availability of cheap manual labour.

The defects which we rue over and decry even today arose in a large measure from these compulsions of an alien administration. The bulk of the force was composed of illiterate, unskilled constables; the basic police powers of investigation, search and arrest were formally vested in a very small number of head constables at first, and sub-inspectors after 1905; the rural areas were left to the mercy of unmotivated landlords, headmen and watchmen; the towns were required to pay for their police arrangements through municipal taxes and also had watchmen instead of beat constables, for the first few decades of the rule of the Crown; and, above all, the pay of the subordinate ranks was always less even than the current wages of unskilled labour. The main and, in fact, the only achievement of the

several committees and commissions lay in the direction of adjustments in the strength and emoluments of the different ranks, without increasing the overall cost as far as possible. The cost of the force increased all the time, no doubt, but this was inevitable when prices kept on rising, but the government revenues were also boosted by the levy of more and higher taxes as time went on.

(Another aspect of this issue relates to the division of the force into a civil and an armed branch. Everyone knows that the British police is a predominantly unarmed force to this day. But armed policemen were necessary here to put down 'rebellion,' 'insurrection' and communal conflict, which itself was a creation of the British power manifesting itself through the genius of Lord Curzon and Lord Minto. It is a historical fact that the strength of the armed police increased steadily after the first civil disobedience movement of 1921 and reached alarming proportions during the 'Quit India' movement.)

The British rulers never bothered over much about traditional crime, except for the pathetic anxiety of Lord Lansdowne in 1888, but his efforts remained unproductive for the reasons already stated and Lord Curzon had to remark in 1902 : "A government that gives good laws or good education, or the wherewithal to live, but that places the preservation of internal order and the detection, prevention and punishment of crime in soiled or incompetent hands cannot escape severe reproach." However, he was himself an imperialist, *par excellence*, and glossed over the severe condemnation of the police system as an agency for the prevention and detection of crime set out at length by his own police commission. And in the application of the limited funds allotted for the implementation of the recommendations of that commission, the first priority was accorded to an increase of the armed police to facilitate a regrouping of the army formations in the country.

But the fact remains that an armed policeman of India is not a policeman in any sense of the term. He is simply a para-military soldier in a police-man's uniform. He is not vested with any police powers under the law and the police regulations of the land. And what is more, because large expenditure has to be incurred on the armed police, the strength of the civil police, which is the real police, has always been far, far below the requirements of the crime situation. It may be conceded that, in the particular conditions of India, it is not possible to do away with the use of armed force for the maintenance of order. But, if there is to be a real 'reform' of the police, there is a crying need, all the same, for a thorough and radical overhaul of its structure and organisation and for a realistic assessment and acceptance of the norms which should govern their status and emoluments.

The Desborough Committee of England of 1919 had laid down the criteria for the last of these three essentials, which are as true today as they were when first propounded and, what is more, they are true for all countries and all climes. They said that they were "satisfied that a policeman has responsibilities and obligations which are peculiar to his calling and distinguish him from other public servants and municipal employees". They considered the police "entitled thereby to special consideration in regard to their rate of pay and pensions". Their report continued:

A candidate for the police must not only reach certain standards of . . . physical development, but must have a constitution which is sound in every way. The duties the police have to perform are varied and exacting, they are increasing, and will probably still increase in variety and complexity, and a man cannot make a good policeman unless his general intelligence, memory and powers of observation are distinctly above the average. His character should be unblemished; he should be humane and courteous and, generally, he should possess a combination of moral, mental and physical qualities not ordinarily required in other employments. Further, when he becomes a constable, he is entrusted with powers which may gravely affect the liberty of the subject, and he must at all times be ready to act with tact, and discretion and on his own initiative and responsibility, in all sorts of contingencies. The burden of individual discretion and responsibility placed upon a constable is much greater than that of any other public servant of subordinate rank. The police also stands in a special relationship to the community. Each constable on appointment becomes one of the duly constituted guardians of law and order for and on behalf of the citizens as a whole. . . He . . . is the principal agent in the prevention and detection of crime of all kinds and generally holds a position of trust which it is important he should be able to maintain. We consider it essential that the sense of obligation to the public should be preserved in the police, and the reason we dwell on these considerations at some length is that they are fundamental to the views we have formed as to the status of the police and the pay they should receive. . . in various ways a constable is subject to social disabilities by reason of his employment. Moreover, he must at all times, both on and off duty, maintain a standard of personal conduct befitting to his position, and this does impose upon him certain restrictions which do not exist in ordinary employment and hardly apply in the same degree even in the case of other public servants.

He is liable to be called for duty at any time in an emergency, and, in order that he may be available for unexpected calls, he may be restricted in his choice of a residence. The special temptations to which a constable is exposed are obvious, and, as any lapse must be severely dealt with, it is only just that his remuneration should be such as will not add to his temptations the difficulties and anxieties incidental to an inadequate rate of pay. The policeman's calling also exposes him to special dangers. He may at any time have occasion to arrest an armed criminal; . . . and he may occasionally have to take part in suppressing violent disorder.

These sentiments were forcefully reiterated in that country by the Oaksey Committee in 1949 and have been faithfully implemented during the past sixty years so that the remuneration of police officers is about the highest in civil employment rank for rank.

LAW AND THE POLICE

The third important aspect of 'police reform' relates to the legal provisions within the ambit of which policemen have to perform their onerous duties. The policeman is an agent of the state and 'the long arm of the law' for preserving order in society and providing citizens with a sense of security that they may, as far as possible, go about their daily chores and at the end of them sleep in peace. In a vast country like India, he is very often and in many places the only and apparently the most influential symbol of governmental authority and the rule of law. The British exploited this position to instil a sense of fear *vis-a-vis* the policeman among the people, even as they clothed him in a distrust of the law through the Criminal Procedure Code (Cr.P.C.) and the Indian Evidence Act. This was necessitated by the low calibre of the personnel which they employed in the subordinate ranks of the police, apart from the subtle value of these provisions for the basic objective of repression. Such provisions do not exist in the criminal law of any democratic country in the whole world.

Confessions made before the police, in particular, are admissible in evidence not only in U.K., but, to mention only a few countries, also in the U.S.A., Canada, Germany, France, Norway (even if obtained as a result of improper questioning), and Japan, where suspects can be detained by the police for interrogation forty-eight hours and confessions are regarded as 'still one of the most important sources of evidence'.

The necessity of legislation to make the evidence of police officers admissible in law to the same extent as that of the ordinary citizen was discussed in the first ever conference of Home Ministers held in Simla in May 1939. The note circulated to the conference on this

subject said : "if the disabilities . . . attaching to the testimony of police officers could be removed . . . justice would be better served and crime reduced. The modern type of police officer now recruited is altogether of a higher standard in respect of education, integrity and intelligence than his predecessors. He goes through a highly specialised system of training including modern scientific methods of investigation which makes a resort to undesirable expedients not only unnecessary but abhorrent to him . . . he is worthy of the fullest confidence and his testimony should therefore be given the recognition it deserves in a court of law." Unfortunately, the proposal was dropped because of the general opposition of the delegates.

Subsequently, Lal Bahadur Shastri, the then Police Minister in U.P., said in an article published in the *Pioneer* on August 15, 1949 : "The police have to face a number of obstacles which make their task difficult. Substantial changes are necessary in the existing laws. The Cr.P.C. will have to be amended. In certain respects it compels the police to start work with lies. Laws and rules regarding the first information reports (F.I.R.), identification proceedings, statement of the accused before the police, reliability of the version of the F.I.R. and the evidence of the police in court will have to be amended. It is an important reform amounting to a radical change, but we have before long to accomplish it. The amended rules will help the police to work more honestly and also expedite disposal of cases which hang on for a long time, causing mental and physical torture to the undertrials."

Instead, the amendments made in the Cr.P.C. since independence have helped only to make the work of the police more difficult and even the limited recommendation of the Law Commission with regard to confessions has not been implemented.

Governments in India, both before and after independence, have frequently resorted to repressive legislation denying most fundamental rights even to normally peaceful citizens on political grounds, but they have been strangely averse to facilitating police operations against avowedly criminal elements, even though, whatever the police do, in case the facilities required are granted, will still be subject to cross-examination in and the scrutiny of the courts of law. It is no wonder then that many writers have said since 1861 that the criminal law of India exists and operates more for the benefit of criminals and defence lawyers than for the protection of society from the ravages of crime.

The fundamental problems of police administration have now been referred to a National Police Commission. It is devoutly to be wished that the Commission may succeed in finding solutions to these problems, such as may help not only to remould our police into a better instrument for the discharge of the traditional police functions, but also to strengthen the foundations of democracy in this country. □

Unionism in the Police : Redressal of Police Personnel's Grievances*

Shriram Maheshwari

"What is a weed? A plant whose virtues have not yet been discovered."

A GROUP of persons working together over a length of time to fulfil certain tasks would inevitably have, from time to time, individual as well as corporate grievances, the redressal of which is necessary both for individual contentment and organisational effectiveness. This, today, sounds axiomatic, and it is the purpose of the present paper to discuss and analyse the machinery in the police organisation available to its personnel to articulate their cases of hardship, if any, to identify the channels these complaints may take in the context of an absence or inadequacy of such a mechanism, and finally, to suggest some ways of managing the discontent.

The police organisation in India is a sprawling one employing within its fold as many as 742,000 personnel in 1976-77. The state-wise break-up of such a large number is given in Table 1.

One should first have a look at the typical police hierarchy in a state to analyse the pattern of redressal of grievances. This is outlined below :

<i>Unit</i>		<i>Functionary</i>
State	...	Inspector general of police
Range	...	Deputy inspector general of police
District	...	District superintendent of police
Sub-division	...	Deputy superintendent of police
In-charge police station	...	Inspector of police
Police station personnel	...	Sub-inspector of police
Police station personnel	...	Assistant sub-inspector of police (in some states only)
Police station personnel	...	Head constable
Police station personnel	...	Constable

*From *Indian Journal of Public Administration*, Vol. XXIV, No. 1, 1978, pp. 68-86.

TABLE 1 STATEWISE STRENGTH OF CIVIL POLICE AND ARMED POLICE 1976-77 AND POPULATION AS IN JULY 1976¹

<i>States/Union Territories</i>	<i>Civil police including DAP (excl. ministerial staff)</i>	<i>Armed Police</i>	<i>Total</i>	<i>Population as in July 1976 (in '000s)</i>
1. Andhra Pradesh	39,090	6,762	45,852	47,944
2. Assam	19,261	10,154	20,415	16,969
3. Bihar	56,504	N.A.	56,504	61,790
4. Gujarat	34,763	8,552	43,315	30,269
5. Haryana	11,749	4,459	16,208	11,221
6. Himachal Pradesh	5,878	1,408	7,286	3,667
7. Jammu & Kashmir	10,575	2,918	13,493	5,120
8. Karnataka	31,507	2,903	34,410	32,448
9. Kerala	12,245	9,620	21,865	23,955
10. Madhya Pradesh	37,221	20,256	57,477	47,167
11. Maharashtra	72,649	9,646	82,295	56,341
12. Manipur	2,925	3,406	6,331	1,195
13. Meghalaya	2,149	2,422	4,571	1,125
14. Nagaland	6,100	10,786	16,886	557
15. Orissa	N.A.	N.A.	N.A.	24,391
16. Punjab	21,441	5,826	27,267	14,954
17. Rajasthan	34,237	6,932	41,169	29,005
18. Tamil Nadu	42,025	4,490	46,515	45,434
19. Tripura	2,595	2,947	5,542	1,731
20. Uttar Pradesh	88,443	18,106	1,06,549	96,172
21. West Bengal	38,154	10,283	48,437	49,788
22. Sikkim	N A.	N A.	1,175	233
<i>Union Territories</i>				
23. Andaman and Nicobar Islands	1,639	254	1,893	128
24. Arunachal Pradesh	379	266	645	520
25. Chandigarh	1,169	1,067	2,236	285
26. Dadra and Nagar-Haveli	137	—	137	83
27. Delhi	N.A.	N.A.	20,927	5,116
28. Goa	2,219	615	2,834	954
29. Lakshadweep	257	—	257	36
30. Mizoram	1,134	—	1,134	385
31. Pondicherry	752	599	1,351	524

The top three levels in the police hierarchy are as a rule manned by members of the Indian Police Service² while, on the other hand,

¹This information has been collected from the Bureau of Police Research and Development, Government of India.

²The total strength of the Indian Police Service stood around 2,300 in 1977.

the deputy superintendent of police is generally a member of the State Police Service.³ The functionaries at all these levels, like their counterparts in other sectors of public administration, have been allowed to form their service associations where they could discuss, among others, matters relating to their service conditions, bring them to the notice of the appropriate decision-making authorities in a constitutional way. Something would be said about these associations later.

Below the deputy superintendent of police one meets with as many as five levels, comprising inspectors of police, sub-inspectors, assistant sub-inspectors (in some states), head constables and constables. Broadly speaking, these levels are the J.C.Os. (junior commissioned officers) and N.C.Os. (non-commissioned officers) of the police hierarchy and constitute, indeed, its backbone. Numerically, these ranks include the largest number of personnel as would be clear from Table 2.

NATURE OF POLICE WORK

The work expected by the police has perhaps no parallel elsewhere in public administration. There is no work which it cannot be asked to do. It not only maintains law and order but in times of calamity as in Andhra Pradesh in 1977 it could be deployed even to remove corpses. Technically speaking, a policeman is on duty all the twenty-four hours, but ordinarily he has to put in not less than twelve-hours' work uninterrupted. Nor does he get any holidays except the usual casual leave, which too is allowed subject to 'operational requirements', an expression which it is customary to interpret rather heartlessly. Moreover, it is his professional lot to face the most taxing, even hazardous, situations where his life itself may hang by no more than a thread. In 1973, a total of 190 police personnel were killed and 5,248 were injured while performing their professional tasks.⁴ As compared to the work and effort put in, his salary is among the lowest in the country—and lower, it is alleged, than the expenditure incurred on police dogs.⁵ The social status that the community accords him is plainly negative and he is acutely aware of it. Low as his salary is, other service conditions are hardly compensating. Indeed he is given a treatment which reminds one of the

³A member of the Indian Police Service is also appointed as assistant superintendent of police for a brief period, but this posting is more in the nature of training; his first regular appointment is as superintendent of police.

⁴*Crime in India*, 1974, New Delhi, Bureau of Police Research and Development, Government of India, 1977, p. 106.

⁵Tiwari, Ramanand, *सिपाहियों की कहानी आंकड़ों की जुबानी*, Delhi, Akhil Bharatiya Policemen Association, 1977, p. 26.

practices in vogue in medieval times; in many ways the police manual is grotesquely incongruous in an age which calls itself enlightened and egalitarian.

TABLE 2 RANK IN THE POLICE FORCE

State	1973 ⁶ Civil Police		Armed Police	
	No. of officers	No. of policemen	No. of officers	No. of policemen
1. Andhra Pradesh	212	38,330	29	6,091
2. Assam	127	15,520	83	9,652
3. Bihar	282	37,690	53	12,178
4. Gujarat	121	34,305	48	8,696
5. Haryana	76	10,228	18	3,595
6. Himachal Pradesh	37	4,581	11	2,257
7. Jammu & Kashmir	39	6,204	22	2,541
8. Karnataka	139	29,697	13	8,660
9. Kerala	94	10,717	7	10,509
10. Madhya Pradesh	307	36,411	109	21,087
11. Maharashtra	287	70,495	27	7,641
12. Manipur	45	2,131	27	3,085
13. Meghalaya	18	2,782	7	1,046
14. Nagaland	17	2,793	29	4,349
15. Orissa	184	17,984	48	5,585
16. Punjab	125	18,401	35	3,544
17. Rajasthan	223	30,682	37	7,323
18. Tamil Nadu	213	38,189	29	4,315
19. Tripura	27	3,252	9	807
20. Uttar Pradesh	736	94,122	—	41,011
21. West Bengal	270	41,050	41	25,294

A policeman may not get government accommodation, and if he does not wish to sleep on railway platforms and such odd places he has to live in horrid-looking houses. No surprise that under these circumstances the preponderance of disease among the police is alarmingly high. In 1958 a medical examination of the police force in the Kaira District of Gujarat revealed that not even two per cent of the policemen were healthy. In Delhi, for instance, a recent survey disclosed a high incidence of tuberculosis among the police. Frustration is thus writ large on the non-gazetted policeman's face, which cannot but make him morbid in his public dealings. And he pours out his frustration in reckless plentitude when he wields his lathi!

The police is very often compared with the army. While both

⁶Compiled from *Crime in India*, 1973, New Delhi, Police Bureau of Research and Development, Government of India.

these organisations are equated for purposes of order and discipline the similarity cannot be pressed beyond a point. In the first place, the army is a heavily officered organisation, which, among other things, facilitates increased interaction with the jawans and increased attention to their hardships. The police organisation, on the other hand, is very thinly officered. Incredible though it may seem to many, the head of a police thana, called the station house officer, is but a petty class III official! This inevitably means thin, skin-deep contact between the officers and the men, which is apt to foster a feeling of alienation in the police. Secondly, while the army in its work is largely insulated from the society, the police is not. Indeed, the police discovers itself to be in a state of continuous interaction with the various cross-sections of the society, thereby getting directly exposed to all the social and political influences of the day. The policeman is also thus touched by the wind of change that has been sweeping all over the country as a consequence of the various five-year plans and our professions of egalitarianism so incessantly articulated by the political parties of the land, and he, too, yearns for the betterment of his not so enviable a lot.

The major grievances of the policemen may be listed as follows: (i) inadequate emoluments, (ii) lack of housing, (iii) long hours of duty, (iv) use of the policemen for personal work of the officers, (v) harsh treatment accorded to the policemen, (vi) insecurity of job, and (vii) absence of or inadequate promotional opportunities.

The hardship is much more acute in the armed police, a state of affairs which may perhaps be attributed to three principal factors. First, unlike the civil police the armed one does not remain continuously occupied, which gives these persons leisure to think and compare their lot with their relatively far better off brethren on the civil side of the police or elsewhere in public services. Secondly, it is in the nature of the work of the armed police to be ever on the move; it has to rush to the trouble spots. This not only upsets the placidity of family life but aggravates his economic plight also. The rules are such that travelling allowance is not adequate: it ordinarily ranges between two and four rupees. The third factor, paradoxically, is an absence of opportunities for illegal earnings, which are almost unlimited for the civil police.

In short, regardless of whether he is part of the civil police or the armed one, a policeman has his grievances, rooted in poor service and working conditions, but they are much more marked in the case of the armed police. It is no more a coincidence that all agitations resorted to by the police to voice their grievances have been the handiwork of the armed police—the 'have not' of the police force.

MACHINERY FOR REDRESSAL OF INDIVIDUAL GRIEVANCES

The police personnel, regardless of their rank and status, are governed, like other members of the public services, by certain common provisions. They enjoy the right to make representation and appeal against what they may individually consider to be unfair or unjust decisions. Similarly, Articles 310 and 311 of the Constitution are equally available to the members of the police as to other public servants. But here the likeness of treatment ends.

'Police' falls within the direct responsibility of the states in India, and so the exact machinery set up to redress the police personnel's grievances is not necessarily the same in all of them. Most states, nevertheless, have a broadly common machinery. The inspector general of police, or the deputy inspector general of police (who is in fact his *alter ego*), whenever he is on tour, is expected to meet the policemen and listen to their individual grievances. This, however, does not happen in practice: "The inspector general of police is just inaccessible to a policeman", the author was told by Ramanand Tiwari, M.P., when the latter was interviewed. The superintendent of police too holds monthly 'durbars', where policemen as a group congregate to meet the senior officers and articulate their individual problems such as non-fixation of salary of a constable, non-payment of travelling allowance, etc. There is also the institution of what is called the 'orderly room'.⁷ The date and time of the orderly room are fixed in all the states so that the policemen know about it and those having any grievance may personally meet the senior officer to seek redressal. It is customary to hold an orderly room on two days in a week. These two institutions were borrowed from the army where they have been in vogue since a much earlier time. The principal difference between a *darbar* and an orderly room appears to be that while the former is a *group* forum, the latter enables a policeman individually to meet the senior officer in privacy and hand over in writing his complaint or grievance. These nomenclatures are intensely paternalistic

⁷An 'orderly room' means presenting a subordinate before a senior officer. It may be for submission of petition or grievance by the subordinate or for awarding punishment for a minor infraction of local rules or duty by a subordinate (punishments are like allocating extra duty, etc.). The term 'orderly room' is used in uniformed services—police and armed forces. The subordinate is generally accompanied by the superior officer of his unit battalion when being presented before the concerned superior for submission of petition and in connection with minor infraction of duty; however, presentation in privacy is not ruled out. The term 'orderly room' is used in relation to the transactions of the above-mentioned type irrespective of whether it is a superior visiting officer or the local appropriate superior officer whom the subordinate is presented. In police, this term is used in relation to constables, head constables and sometimes even sub-inspectors, but the purposes are the same as mentioned above. The term 'orderly room' is used in uniformed services throughout India.

in tone and character and were in complete harmony with the style of the British raj during which they had originated and whose imperial majesty they sought to symbolise. These institutions—without any addition, or even subtraction—continue to be in vogue to date even though the *raj* has become a phenomenon of the past, forcefully reminding one about how little has police administration changed in purely institutional terms since those imperial days.

Mention may also be made of the police welfare societies and kindred organisations seeking to ameliorate the lot of individual policemen, especially those who have succumbed to professional hazards.

The foregoing exhausts the list of avenues, both formal and voluntary, available to the policemen to seek redressal of their grievances. It is to be noted that the whole apparatus as it exists to date was devised by the British to serve purposes as perceived by them. One does not know if the police personnel had remained fully satisfied with these avenues at that time and at any rate this did not much concern an imperial order. For that matter, even other civilian personnel did not have any Whitley machinery of joint consultation, nor the country have democracy. Besides, it was part of the British approach to keep the police—as other segments of public administration—not only aloof from the mainstream of the Indian society but even from each other as far as possible.

Even at their best, the devices of *darbar* and orderly rooms are too crude to prove effective in redressing the policemen's grievances in today's situation. In practice, a policeman may not even avail of them for fear of estranging the superior officer; as one respondent told the author, "reprisals invariably visit those who dare open out". Even otherwise, *darbars* and orderly rooms have not been designed to respond to what may be called the collective or corporate grievances of the police personnel, and it is fairly well recognised that an organisation today has also to evolve a machinery to monitor and resolve this category of problems. But this kind of a forum is conspicuous by its complete absence in the police although a grievance redressing machinery has been created for other public personnel. More about it would be discussed later. Other public personnel enjoy the freedom to form their associations subject to their fulfilling certain defined conditions and, as a result, there are service associations which seek to protect and promote the service conditions of their members. But the policemen are confronted with formidable restrictions in this regard also, thanks to the Police Forces (Restriction of Rights) Act, 1966. Yet, the latter statute, harsh as it is, could not completely stem the policemen's determination to overlook or circumspect it and launch some associations to oversee their interests

and demand amelioration of their service conditions.

STATUTORY DISABILITY OF THE POLICE

The levels covering inspectors of police, sub-inspectors, head constables and constables do not presently have any institutional machinery for articulation and redressal of their collective grievances. This has happened as a result of two statutes, namely, the Police (Incitement to Disaffection) Act, 1922 and the Police Forces (Restriction of Rights) Act, 1966. The laws regulating the conduct of the police set these personnel apart from the civil administration and make it closer to the defence personnel. The philosophy underlying the prescription of rights for the police is that the police is very much like a military organisation and as such the need for discipline and order is paramount; and it is this which is apt to get undermined if the rank and file in the police hierarchy are given the right to form their service associations. To secure this, the government has armed itself with a double barrel gun, so to speak. It forbids any external agency to do anything by way of spreading disaffection among the police, and besides, it puts the latter also under a stern injunction not to form, or associate itself with, any association. Insulating the ecology has been sought to be accomplished by the Police (Incitement to Disaffection) Act, put on the statute book as early as 1922. The timing of this legislation is significant. The British raj was evidently feeling concerned in the twenties over the rising tide of the nationalist movement, and was determined not to let it overtake the administrative system of the land. It, therefore, lost no time in passing a legislation to penalise "whoever intentionally causes or attempts to cause, or does any act which he knows is likely to cause, disaffection...amongst the members of a police force or induces or attempts to induce, or does any act which he knows is likely to induce, any member of a police force to withhold his services or to commit a breach of discipline..."⁸ This prohibition still exists. This is one barrel of the gun.

Nor are the police personnel permitted to form associations to articulate their collective grievances with a view to seeking redressal. This disability was, to be sure, not statutorily enforced during the British period but was imposed on policemen as part of the executive policy. The procedure regulating it was that if policemen wanted to form an association they had to take the prior approval of the appropriate authorities which could be—and indeed was—withheld. Under the colonial rule even the people enjoyed hardly any rights and the question of the police being allowed the right to form an association never became a live issue.

⁸Section 3 of the Police (Incitement to Disaffection) Act, 1922.

But the constitutional position underwent a basic change with the coming into force in 1950 of the present Constitution. It will do well to recall that the Constitution of India embodies the well-known seven freedoms for the citizens, but Article 33 qualifies the use of them for the defence and the police personnel. It says: "Parliament may by law determine to what extent any of the rights conferred by this Part (Part III of the Constitution relating to fundamental rights) shall, in their application to the members of the armed forces or the forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them."⁹ As Parliament did not enact any law for the police until 1966, the police personnel could invoke, strictly speaking, the right to form associations. However, as there was not any serious threat by the police functionaries to form any union of their own the government did not feel any provocation or urgency to bring forth a legislation to curtail their rights. In 1966, the non-gazetted ranks of the Delhi Police set about to get their grievances redressed in organised agitation. The agitation assumed a rather serious nature, and in a bid to defuse the situation, the central government—which has direct responsibility of administration in the union territories—rushed to enact the Police Forces (Restriction of Rights) Act, 1966. It was an evidence of the urgency of the situation that the Lok Sabha was made to pass the necessary law in two consecutive sittings taking not more than five hours. Defending the measure, the Home Minister observed that its purpose was "to ensure that the police force and its fine tradition may not be spoiled by trade union activities and agitational activities which might ultimately lead to the breach of discipline in that fine force".¹⁰

The Police Forces (Restriction of Rights) Act, 1966, which came into force on December 3, 1966, consists of six short sections in addition to a schedule, but section 3 is its soul. This section is a direct assault on the Constitution's Part III dealing with fundamental rights but is legitimated by Article 33. It says :

- "(1) No member of the police force shall, without the express sanction of the Central Government or of the prescribed authority—
- (a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

⁹Article 33 of the Constitution of India.

¹⁰Lok Sabha Debates (Sixteenth session), Third Series, Vol. LXI, No. 19, November 29, 1966, col. 6027.

- (b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the force of which he is a member or is not of a purely social recreational or religious nature; or
 - (c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.
- (2) No member of a police force shall participate in or address any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed."¹¹

POLICEMEN'S ASSOCIATIONS

This was in 1966. There have, however, been a few associations of the police personnel which have been in existence even prior to that and are still functioning. And it is also true that some associations have been launched even after the coming into force of the Act.

The oldest staff association of the police personnel in India is the West Bengal Police Association¹² which came into existence as early as 1921 and, what is more, it was accorded recognition by the government in 1923, which, however, was withdrawn later. Its membership includes police personnel ranging from constables to the deputy superintendents of police. Four years later, the Bihar Police Association, having the inspectors and sub-inspectors of police as its members, was born and it is a recognised body. In March 1946 the Bihar Policemen's Association was formed under the leadership of Ramanand Tiwari; more about it would be said later. In 1947, the Calcutta Police Association was formed. The C.P.A. is also an unrecognised body but includes police functionaries ranging from constables to assistant commissioners of police. Rajasthan has the Non-Gazetted Police Karamchari Union, which, however, is an unrecognised body as yet. The Delhi Police Non-Gazetted Karamchari Sangh came into being in 1964. In 1966 the Andhra Pradesh Police Non-Gazetted Officers Association was brought into being. The fourth general election in India introduced a measure of political fluidity in the country and many states found themselves experimenting with coalitions, or, to be more correct, with changing coalitions, and a few police associations came

¹¹Section 3 of the Police Forces (Restriction of Rights) Act, 1966.

¹²Report of the Delhi Police Commission, 1966-68, Vol. I, New Delhi, Ministry of Home Affairs, Government of India, 1968, p. 4.

to be formed in the wake of such changes. The Bihar Policemen's Association representing constables and head constables, was revived in 1967, and what is more, it even gained the recognition of the Bihar Government.¹³ It is necessary to add here that this is the only recognised staff association of police-men in the country. In 1969 the Non-Gazetted Police Karamchari Samiti was formed in West Bengal. In March 1973 the Rajya Police Karamchari Parishad was launched in U.P. The last named body was recognised by the government but was banned two months later. The Rajya Police Kramchari Parishad is still in existence but its office-holders are all police personnel who had been dismissed after the PAC revolt of 1973.

The above listing of associations provides some interesting insights. The desire to found an association is not equally spread in all the states. While West Bengal has three bodies representing policemen, Bihar has two and Andhra Pradesh, U.P. Rajasthan and Delhi has one each. Southern, (except Andhra Pradesh) western, and north-eastern States do not have any such organisations. Secondly, these bodies have been formed at different points of time, the earliest body dating back to 1920 and the latest to 1973. Thirdly, only one association—the Bihar Policemen's Association—is a recognised body, all others are in existence despite the Police Forces (Restriction of Rights) Act, 1966. Fourthly, the forming of an association does not necessarily mean its recognition, these being two different processes. An association is as a rule required to be registered under the Societies Registration Act, but a police association must be approved by the head of the police department, namely, the inspector general of police, and by the government. Though the Police Forces (Restriction of Rights) Act, 1966 puts a blanket ban on formation of associations by the police, no punitive action has been taken against the 'unrecognised' ones perhaps because they are practically dormant bodies or at any rate are not causing any trouble giving little provocation to the government to launch action against them. Finally, though there are, nine police associations in the entire country only a few appear to be active. West Bengal's all the three bodies have been reasonably active. The Bihar Police Association, first formed in 1924, was lively but has been lying practically dormant since 1976. The single most vigorous body in the whole country is the Bihar Policemen's Association which, though presently smitten by some

¹³Information given by Ramanand Tiwari. Reminiscing about the past, Tiwari told the present author: "In 1939 I took nine months' leave to set up the Bihar Policemen's Association. My leave was, however, soon cancelled, and the idea of the Association could not materialise. On March 3, 1946 this Association was finally formed and it was accorded recognition by the Bihar Government in 1967 when I was the Police Minister".

internal dissensions and consequently not as powerful as in the recent past, continues to be the most effective of all the policemen's bodies in the country, and the reasons for this could mainly be threefold. Firstly, it has behind it a long history and thus has evolved traditions of work and service. Secondly, politics is built into Bihar; all segments of public administration in Bihar are deeply politicised, and the body of constables and head constables, who are the members of this Association, are no exception.

However, these forums are no substitute for a machinery addressing itself to the task of redressing grievances of a general nature.

Mention has already been made of the Indian Police Service Association (IPSA) and the associations of state police service personnel. There is the IPSA at the centre and each state has an IPSA as well as the State Police Service Association. None of these bodies, however, is regular in holding its meetings nor have they shown any perceptible interest in keeping themselves as active and effective forums for discussing matters relevant to their respective services. The IPSA at the centre, for instance, holds its meeting immediately after an officially convened meeting of the senior police officers. The members are already sufficiently tired in the evening and the Association holds its meeting to discuss a few subjects rather perfunctorily. The pattern is not different when one comes to the state level associations. Occasionally, these bodies may prepare a memorandum to be submitted to a pay commission or an administrative reforms committee, and may even call on the minister concerned to plead on purely service matters.

FALLOUT OF THE PRESENT PRACTICES

It is always good to provide for channels for ventilation of grievances; otherwise the bottled up frustrations may erupt in a violent way. The governmental approach towards policemen's problems appears to be that if a machinery for redressal is just not devised the policemen will feel no problems; and conversely if a forum gets created there will be no end to their grievances. This is a fallacious belief, as would be clear from the following.

There have been at least nine occasions since August 1947 when the policemen felt engaged at the treatment accorded to them, and not finding any worthwhile machinery to articulate their demands, took to the path of open defiance and agitation. Nor was this style of response peculiar only to independent India. There were at least five occasions under the British raj when the policemen rose in rebellion to demand redressal of their grievances which remained unattended to for long. The first ever violent agitation by the police

was in September 1942 when the police in Bihar revolted.¹⁴ But it was given to the Malabar Special Police, then under Madras, to mount the most violent agitation witnessed so far. The M.S.P. was for quite some time smarting under some hardships relating to their conditions of service, and finding no redressal of grievances, struck work on April 16, 1946. This action on the part of the police was no short of a rebellion which continued until April 24, 1946. The police agitation could be quelled only by the army. That the government had to round up and dismiss as many as 926 policemen gives an indication of the seriousness of the event. That year was a politically charged year in India as the old order was showing distinct signs of ringing out and the new one, even though its shape was not very clear, was expected soon to ring in. The police, too, was getting more easily restive and there were police agitations in Allahabad and Delhi. On March 18, 1946 the policemen in Allahabad went on a hunger strike to protest against the reduction in their rations. It was quickly suppressed.¹⁵ Four days later, the policemen in Delhi resorted to hunger strike and went in a procession to the Town Hall to demand better conditions of service. The army had to be called in, and teargas was used to bring the striking policemen under control.¹⁶ In March 1947 there was a policemen's strike in Bihar to demand better service conditions. The agitation was suppressed by the army which opened fire on the agitating policemen, killing four of them and injuring many more. The strike ended a few days after on Mahatma Gandhi's call. Pyarelal, the well known close associate of Mahatma Gandhi, has discussed this episode in his *Mahatma Gandhi: The Last Phase*. One cannot do better than quote him in this connection. He observes:

A lightening strike was in progress in Bihar in the later half of March 1947. It had caused considerable anxiety not only to the Bihar Government but to the Home Department of the Government of India also . . . The strike was symptomatic of the transition from rebel India to India responsible for its own

¹⁴Narrating this event, Ramanand Tiwari told the present author: "In July 1942 I got formed the Inquilabi Sipahi Dal (Revolutionary Policemen's Association) and enrolled 300 members, all drawn from the ranks of constables and head constables. On hearing about Mahatma Gandhi's arrest under the Quit India Movement the policemen in Bihar observed a hunger strike. There was immediately a sit-in strike by the policemen in Jamshedpur and we made in all eighteen demands including the fixation of the minimum salary of Rs. 100 for a constable, better treatment by higher officers, etc. On September 7 the army was summoned, and I and other thirty-three policemen were arrested. All of us were convicted and dismissed from the service."

¹⁵*The Hindu*, March 19, 1946.

¹⁶*Ibid.*, March 22, 1946.

administration. . . . It was a measure of the national will to be free that in 1942 even the police, especially in Bihar, was affected and some of their members openly joined the freedom movement and suffered imprisonment in consequence. In jail they were lionised by the socialist leaders and a close tie sprang up between the two. It grew closer after their release The police department had earned a bad name for brutality. The officers ill-treated their men and the men ill-treated the public. There was a growing resentment among the rank-and-file against the alleged ill-treatment by the officers—On March 20, 1947, a police havildar was convicted of contempt of court by the sub-divisional officer, Gaya. The Gaya police, thereupon, gave notice of strike unless redress was given...An immediate inquiry was ordered by district magistrate. Nevertheless the strike commenced on March 24 and the strikers refused to return to duty. . . . From Gaya the strike fever spread to Patna and Monghyr. The military was called out and on one occasion British troops had to be used. Both sides resorted to firing. As a result some constables were killed and more injured. One soldier was badly wounded and later succumbed to his injuries. Some representatives of policemen met Gandhiji at Jehanabad on March 28, and again later at Patna. He told them their strike was ill-advised and there was no convincing argument in favour of continuing it. . . . Limbs of the law were expected to put duty before self-interest—Gandhiji had thought of talking over the matter with the (Bihar) ministry...The next day the President of the Policemen's Association, Ramanand Tiwari, who was absconding, met Gandhiji at Patna with the socialist leader, Jayaprakash Narayan, and, under Gandhiji's advice, decided to surrender to the authorities and rejoin duty. He was taken into custody from Gandhiji's camp and handcuffed like an ordinary criminal. Gandhiji did not like it. Surely, nothing would have been lost if a more chivalrous treatment had been accorded to a person of that type... Gandhiji felt, here was a great opportunity to reform the police service... But the chief minister begged Gandhiji to let the ministry deal with the situation in the normal way and Gandhiji, not wanting to force anything on the ministry which did not appeal to their head and heart, withdrew though not without a pang. . . . It was well-known that the Home Department of the Government of India at the time was very allergic to any tampering with the police. Was it due to that or was it because of the old bureaucratic tradition which the Congress government in Bihar, and the interim government at the centre had inherited that made them persist in handling new situations in the old

way ? Anyway, Gandhiji's effort was defeated and a great opportunity to reform a vital section of the services was lost.¹⁷

Though all these agitations were quickly suppressed by the deployment of the army, the message underlying them must have registered with the authorities.

Independent India's first police agitation took place in Madras on January 6, 1953 when the policemen in a few districts rose simultaneously in rebellion to demand amelioration of their service conditions. They had an association which was recognised by the government. When the trouble started the state government declared it illegal and arrested as many as 183 policemen, according to a newspaper report. The agitation continued till January 9, 1953 but was suppressed by the army.¹⁸ On February 2, 1955 the police constables in Calcutta walked out of the examination hall to protest against the stiffness of the question papers in the departmental test.¹⁹ In November 1957 the district police in Lucknow rose in defiance of the authorities but the policemen were quickly disarmed by the police armed constabulary, the cause being some local demands and complaints against the ill-treatment by superior officers. The policemen even went on a hunger strike to focus attention on the alleged injustices done to them. The U.P. agitation, however, was more spontaneous than preplanned.

The scene of the fourth instance of police agitation was Delhi. It was given to the Delhi police to start the most serious yet commotion in support of their demands. This happened on March 28, 1967 when over 7,000 policemen out of the total force of 16,000, "some of them in their uniforms"²⁰, came out to attend a meeting organised by the Delhi Police Non-Gazetted Karamchhari Union. The congregation lasted for four hours and "the government will not budge an inch unless we (*i.e.*, the policemen) stood united and fought for our rights" was the recurring theme of the speeches delivered. The union leaders' principal demands included interim relief, abrogation of police rules of 1934, allotment of houses, and an eight hour working day. The speakers at the meeting warned the government of dire consequences if the policemen's demands were not met immediately. The policemen's agitation continued and in the meantime the Delhi Administration began on April 13, 1967 the operation of disarming them and replacing them by members drawn from the Central Reserve Police Force and the Border Security Force. This was perceived by the policemen as nothing short

¹⁷Pyarelal, *Mahatma Gandhi: The Last Phase*, Part I, Ahmedabad, Navajivan Publishing House, 1956, pp. 676-78.

¹⁸*The Hindu*, January 9, 1953.

¹⁹*The Times of India*, February 3, 1955.

²⁰*The Times of India*, March 29, 1967.

of adding insult to injury and resented it. On April 14, they struck work and came out openly to stage a demonstration in front of the Union Home Minister's residence. The showdown came on April 15, 1967 when 680 of the agitating policemen were arrested and well over 40 dismissed from service. That the government found necessary to disarm no less than 2,500 policemen, post the Central Reserve Police Force at important places in Delhi, alert the army and use teargas against angry demonstrators reveals the magnitude of the police agitation.²¹

The next to agitate was the Bengal police although this event was not in anyway a result of any organised plan, much less movement. The immediate provocation was the killing of a constable by some CPM workers, which gravely infuriated the local policemen who then quickly organised themselves, took out a procession carrying their dead colleague's body and entered the Legislative Assembly chamber to confront ultimately Jyoti Basu, the then home minister, with a demand for action against wrong-doers. With no channel open, this was the way the policemen chose to express their concern at politically motivated attacks on them. This happened on July 31, 1969 when the United Front was in power in West Bengal.²²

The Delhi police defiance was of a serious nature but the gravest act of disturbance came from the Police Armed Constabulary (PAC) in Uttar Pradesh in May 1973. The discontentment among the police was simmering for a long time but it came into the open in March when the Rajya Police Karamchari Parishad was formed by the policemen as a first mobilisational move. In April 1973, a PAC contingent summoned to duty in connection with the former Prime Minister Indira Gandhi's tour of the state manifested its anger and defiance by refusing to fall in at a preparatory parade. The Parishad had even brought out a pamphlet listing the grievances of the police-men particularly against their officers. Unfortunately, the Government turned a blind eye to all these signs and it moved in only when the situation escalated to a point of crisis, the more important causes being:

1. Wrong selection of officers for posting in the PAC.
2. Unfavourable terms and conditions of service.
3. Misuse of the PAC men by officers for personal and private purposes.
4. Defective organisation of the PAC battalions.
5. Insensitivity of the political leadership as well as of the secretariat towards policemen's problems and difficulties.
6. Inadequate housing and welfare arrangements.

²¹*The Times of India*, April 16, 1967.

²²*Ibid.*, August 1, 1969.

The men of the PAC had been posted in the Lucknow university campus to maintain law and order at the time of the annual examinations. This, it may be added, was a purely routine deployment of the armed police. On May 20, 1973 40 PAC men and an equal number of students marched through the campus shouting slogans like: 'Chhatra-PAC Union Zindabad', 'Students-PAC bhai-bhai', etc. Earlier, the office-bearers of the Rajya Police Karamchhari Parishad had addressed a meeting of the PAC men demanding redressal of their grievances which included, among others, better conditions of service and better treatment by officers. The state government decided to disarm the men of the PAC and deployed the army for this purpose. On May 22, 1973 the army moved in, and took control of the armouries belonging to the PAC in pre-dawn swoops all over the state and in the scuffle that ensued no less than thirty-nine men were killed. At many places gun duels took place and many police lines became indistinguishable from battle fields. The government apparently had little inkling of the desperate state of the policemen's mind and was thus caught completely unawares. The revolt could not be subdued even by May 23; the PAC men still held out in quite a few towns for as many as three days taking up positions and even detaining some of their officers as hostages. By May 25, 1973 when the mutiny was finally suppressed the death-roll in the PAC-army 'confrontation' reached thirty-four and over 380 policemen had been arrested.²³ Peace was ultimately restored, and the government simultaneously embarked upon two tasks—to weed out and punish all those actively participating in the uprising, and to announce some ameliorative measures by way of first aid to the jawans of the PAC. This, to be sure, was an assignment which demanded the imposition of President's rule in the beleaguered state.

There have been at least three occasions in 1977 when the policemen had to act in a demonstrative way to voice their protest. Bihar was the scene of two agitations and U.P. of one. Early in August 1977 the policemen of the Bihar armed police went on a hunger strike to protest against the rude behaviour of a senior officer. The second agitation took place in U.P. on September 4 and 5, 1977.²⁴ It was alleged that two persons including a Janata Party worker were beaten up by the police in Varanasi and this led to the vociferous protests from the local Janata Party workers. Bowing to the political pressure the city police authorities first suspended a sub-inspector and a constable, and later put them under arrest. On September 4 seventy local policemen boycotted their meals and a number of them even

²³*The Times of India*, May 25, 1973.

²⁴*Ibid.*, September 6, 1977.

refused to perform their regular duties in protest against the politically motivated arrests of their colleagues. The protest was ended on September 6 only when the police authorities agreed to their demand for recording a complaint against the youth workers allegedly involved in the demonstrations before the police station.²⁵ The third police agitation, equally spontaneous in origin and style, occurred in Dhanbad (Bihar) on September 19, 1977 when some policemen went on a hunger strike to mark their indignation against the beating of one of their colleagues by a State legislator.

All these are anomic activities, and they fall into two broad categories. Most of them have not been, in any way, preplanned operations, but rather spurred by the impulsive thought of the policemen who were strongly exercised over a particular injustice or grievance and having no regular channel open to them, reacted the way they did. But police agitations in Delhi (1967) and U.P. (1973) were in the nature of movements, organised as well as planned, and these constitute the second category. Regardless of the precise category, however, all the agitations were quickly suppressed, and in all cases except the 1977 ones (which were in the nature of minor aberrations only), the ring leaders were quickly brought to book, the government's firm approach in this regard being to "catch hold of a select few but inflict exemplary punishment as quickly as possible and guard against the return of such persons". Thus all those who led and actively participated in these agitations have invariably been punished. But one should not conclude from this that theirs have been entirely wasted efforts. For one thing, the government's attention was drawn to the demands and grievances of the policemen and 'something' was done, which could not have been ordinarily possible otherwise. Sometimes the government was induced even to set up a police commission to suggest amelioration of the lot of the policemen. But the police has stood to benefit more from the immediate announcements of concessions and welfare measures by the government, not as much from the police commissions. A commission inevitably takes a long time to formulate its views by which time the sense of urgency about the whole matter disappears; also in the absence of appropriate political steam or police pressures the recommendations made by these august bodies run the risk of getting easily shelved. Of all the commission reports, it is the police commission recommendations that have been among the most poorly implemented! In short, some marginal benefits, in the nature of first aid measures, have usually accrued to the police as a result of these agitations, but in the process many had lost their lives and many more had to face dismissals and other hardships.

²⁵*The Times of India*, September 7, 1977.

POLITICAL INFILTRATION AMONG THE POLICE

It is often officially claimed, whenever the policemen have resorted to any large scale agitations, that there was the hand of opposition political parties or some other subversive political element behind them. The policemen, as a class, are apolitical beings. They do not have any fascination for any of the political parties. A saner interpretation of all the police agitations would perhaps be that they owe themselves to internal, long simmering demands. What political parties generally do is to interest themselves after the fire has broken out. In other words, the political parties try to fish in the troubled waters, but the 'trouble' is not fathered by them. It is a notorious pastime in India to shut one's eyes to unpleasant facts and instead search for scapegoats. The truth is that with other avenues completely barred, policemen's frustration, which as a rule is rooted in economic and service conditions, manifests itself in an agitation which perhaps is the only channel open to them to articulate their collective demands. To see the sinister hand of a political party and not the governmental inattention to the policemen's grievances, is like indulging in shadow-boxing if not directly adding insult to an injury.

WAY OUT

Indiscipline and defiance of authority in the police must neither be encouraged nor tolerated; otherwise no government worth the name can hope to discharge its primary responsibility of maintaining law and order. This observation, however, does not, in the least, imply any support of the *status quo*. It is abundantly clear from the present paper that the existing system of redressal of policemen's grievances is inchoate and chaotic. At its best, it is paternalistic in its form and functioning, depending more on the mercy of the higher hierarchy rather than on justice. It, moreover, shuts its eyes on the fact that every organisation inevitably faces, among others, problems which are of a collective nature. All taken together, it may hardly be called an arrangement, much less a system, for redressing the grievances of the policemen. Under the impact of various socio-economic programmes the government's attention is increasingly being given to what has come to be called 'development administration'. Though it was not intended but in the process regulatory administration has apparently remained neglected, standing still, frozen, as it were, in the time-frame of the colonial regime.

The senior police hierarchy has at time been aware of the simmering grievances of its rank and file and has even drawn attention of the decision-making organs of the government, but more often than not, the home department of the state government, which handles

matters relating to the police, has not shown any sustained sensitivity to the policemen's problems and grievances. Not unoften, as the home department is as a rule manned by personnel drawn from the ranks of the Indian Administrative Service, inter-service jealousies, by no means non-existent in the public administration of the country, come to influence decision-making. Not only is administrative leadership, lodged in the secretariat, not very receptive to these demands, even the political leadership has generally taken the notion that the silence of the uniformed personnel signifies satisfaction with their work and conditions of service. Both these echelons will have to show greater awareness to the delicacy—even morality—of their responsibilities. All this, of course, does not absolve the senior police officers of their share of the blame for this state of affairs, which, at least partly, lies at their door. There are complaints of widespread, even outrageous, abuse of the policemen for domestic purposes of officers. Sometimes it is alleged they are not treated as human beings entitled to dignity and self-respect. There is nothing more repugnant than hierarchical tyranny, and this needs to be replaced by a broad humanism.

Most advanced countries have, to be sure, prescribed analogous restrictions on the police, but at the same time they have provided for in-built organisations for the redressal of grievances. Since 1953, Britain has a police council patterned after the Whitley Council. The police council consists of officials and staff under an independent chairman and it is this body which negotiates agreements on wages and service conditions of the police personnel. There is even a provision for arbitration. Creation of a body like this in India would be conducive to peace and contentment in the police hierarchy and it ought to be created without any further delay.

Further, the institutions of durbars and 'orderly rooms' must be taken seriously by the senior hierarchy and, as its necessary corollary, the complaints made in these forums must be processed quickly and imaginatively so that they inspire the confidence of the rank and file. □

To Whom Should the Police be Responsible?*

G. C. Singhvi

THE POLICE are the servants and the people are the masters. The police serve the people and are responsible to the people's elected representatives constituting the executive. The police are then, "by definition, the keepers of the *status quo*. It is not their job to legislate, to institute social reform, or to open doors of opportunity; their job is only to enforce existing custom."¹ With *status quoism* in their blood, they, of ordinary calibre and ordinary prudence, endeavour to do things that are likely to please their bosses in the executive, so that the *status quo* may be maintained. This is what they had been doing in the past. This is what they did during the state of emergency. And, other things remaining the same, this is what they will, in all probability, be doing in the future also. And the reasons are too obvious to need any elaboration. If the police were somehow not to be responsible to the executive, the chances would be that they would not do things as they have been doing in the past at the behest, as also with the tacit support or approval, of the executive. They would, instead, act with due circumspection.

ORGANISATION OF POLICE

The working of the police is governed by the Police Act (Act V of 1861) and that Act lays down in no uncertain terms that superintendence of the police throughout a general police district (which generally is co-terminous with a state) shall vest in and shall be exercised by the state government to which such a general police district is subordinate. Actually the preamble of the Act itself lays down that the police is an instrument for the prevention and detection of

*From *Indian Journal of Public Administration*, Vol. XXIV, No. 1, 1978, pp. 113-122.

¹Sterling Tucker, "For Blacks Only", Eurasia Publishing House, New Delhi, 1972, p.41

crime. An instrument, in whose hands ? Obviously in the hands of the state government in whom the superintendence of the police in the state vests.

The chief minister and home minister (in charge of the police portfolio) of a state government are, therefore, the superintendents of the state police. And it is within the limits of this power of superintendence that the administration of the police in a state is vested in the inspector general of police (I.G.) and in the deputy inspectors general (D.I.Gs.) and the assistant inspectors general (A.I.Gs.) as the state government may deem fit. Similarly, the administration of the police in a district will, under the general control and direction of the district magistrate be vested in a district superintendent (D.S.P.) and such assistant district superintendents (A.S.Ps.) as the state government may consider necessary.

The chief district police officer is the D.S.P., in whom vests the administration of the police in the district, and he, in turn, is under the general control and direction of the district magistrate. The hierarchy to which the D.S.P. is accountable extends upwards through a Range D.I.G. to the state (I.G. The I.G. reports to the home secretary and, he in turn, to the home minister. "The collector (district magistrate) belongs to the Indian Administrative Service. And so too does the Home Secretary. Thus the police establishment is accountable at two different levels to a civilian administrative official of the I.A.S. cadre".²)

(The executive comprising the chief minister and the home minister, who are the political bosses, and the state home secretary and the district magistrate, the bureaucratic bosses, are, accordingly, the *de jure* and *de facto* controllers of the police. The police, as such, is undeniably responsible to the executive.)

ROLE OF THE JUDICIARY

(Similarly, in matters of police investigation, the police is subject to the control of and responsible to the judiciary also. A copy of the first information report which sets the ball of police investigation rolling has got to be sent by the police station officer to the judicial magistrate empowered to take cognizance of the police report (section 157 of the Code of Criminal Procedure, 1973). The judicial magistrate, on receiving such report may direct an investigation or conduct (or get conducted) a magisterial preliminary inquiry into the matter (section 159 of the Code). Arrest of a person by the police has to be reported to the judicial magistrate (section 58 of the

²David Bayley, "The Police and Political Development in India", Princeton University Press, Princeton, New Jersey, 1969, p. 350.

Code). An arrested person cannot be detained for more than 24 hours in police custody in the absence of a special order from a judicial magistrate (section 57 of the Code). Only a judicial magistrate can, from time to time, authorise the detention of the accused in police custody for a term not exceeding 15 days (section 167 of the Code). Copies of any record made by the police officers in the course of searches have forthwith to be sent to the nearest competent judicial magistrate (section 165 of the Code). If the police report makes out a case against the accused person or persons, the judicial magistrate goes ahead with the trial of the case. If, on the other hand, the police report shows the case as not made out, the judicial magistrate has a right to direct further investigation.

(It is thus evident that the pre-trial procedure is in the hands of the executive, subject to some control by the judiciary. However, it is of utmost importance that the judiciary do not interfere with the police in matters which are within their province and into which the law imposes on them the duty of enquiry.)

But then, according to established law, "the police are not the servants of the state government in the sense that the government can order the method and the manner of the performance of the various acts committed to the police by law; and it is not open either to the police officer or the chief minister to change the course of law...."³

"Although a home minister is in charge of the police and police administration and answerable to Parliament about it, still he has no power to direct the police how they should exercise their statutory powers, duties or discretion. If the minister were to give orders about arrests, to arrest or not to arrest, that would be an end of the rule of law."⁴

"Of course, it is the constitutional duty of the minister, as the head of the department in charge of police to ensure that, they "discharge their functions and exercise their powers properly and diligently." For this he is accountable to the legislature; not for any particular case, but in cases of "general ineptitude, inefficiency, want of skill or honesty". (The minister is responsible for administrative supervision but he is not entitled to issue to the police "specific instructions as to the manner of exercise of their statutory powers".⁵)

(Thus although "there is no law which authorises the state government to issue directives to officers in charge of maintenance of law and order not to enforce the law of the land nor to direct them to enforce the law of the land upon certain conditions being fulfilled and

³Report of the Kerala Inquiry Committee of the Indian Commission of Jurists, 1960.

⁴See Kapur Commission Report on Murder of Mahatama Gandhi.

⁵A.G. Noorani, "Police and Government", *The Indian Express*, New Delhi, July 29, 1977.

complied with, there is appreciable evidence of successful political intervention in police affairs, some of which has produced injustices and weakened the morale of the force".⁶

(Anyway, the fact remains that "at present the police is at the disposal of the executive which can employ them the way it wants. Even if a chief minister is opposed to misusing the police, the structure is built in such a way that it automatically works in favour of people in power".⁷ The unjust here is clear.)

A delightful capsulisation of this point of view is to be found in the very last line of the 'Munir Report', which was the product of a commission of inquiry in West Pakistan, 1954, into violent disturbances of the previous year. Having found evidence of political interference⁸ in police affairs, the report concluded; "But if democracy means the subordination of law and order to political ends—then Allah Knoweth best and we end the report".⁹

Nearer home, what the control of the executive of the police can mean to the lives, liberties and, above all, to the personal freedom of a citizen is too recent a history to need any elaborate reiteration; albeit, it has begotten a new awareness among the people that of all the cherished objects in life, personal freedom is supreme.¹⁰ "A free society is one which recognises the supreme value of human personality and conceives of all social institutions and in particular the state as the servant rather than the master of the individual".¹¹ A free society should thus have as its aim "the achievement and the preservation of the freedom of individual human being against the arbitrary

⁶David H. Bayley, *op. cit.*, p. 384.

⁷Kuldip Nayar, "The Failure of the Elite", *The Indian Express*, New Delhi, September 1, 1977 ("Executive interference with the police has been the norm. Let alone the Central Government, ambitious Chief Ministers have seen to it that the police minister to their wishes"—A.G. Noorani, *op. cit.*).

⁸"The greatest obstacle to efficient police administration flows from the domination of party politics in the State administration" (Report of the Kerala Police Reorganisation Committee, 1960, p. 13). This, however, "does not mean that politicians always do intervene in every police action." Moreover, "the fault is not all on one side. Just as politicians seem to use police for their purposes, so policemen sometimes seek to use politicians for theirs. Policemen ask politicians to use their influence to obtain choice postings, to avoid being transferred, to mitigate disciplinary sentences or to earn an advancement in rank". David H. Bayley, *op. cit.*, pp. 376-377.

⁹Pakistan, Province of Punjab, Report of the Court of Inquiry constituted under Punjab Act II of 1954 to enquire into the Punjab Disturbances of 1953 (Lahore, Government Printing, Punjab, 1954, p. 387 (Quoted in footnote, by David H. Bayley, *op. cit.*, pp. 364-365).

¹⁰G.C. Singhvi, "Protection Against Arbitrary Arrest", *Journal of Constitutional and Parliamentary Studies*, New Delhi, April-June, 1971, p. 227.

¹¹"The Role of Law in a Free Society", *International Commission of Jurists*, Geneva, 1959, p. 193.

assaults of collective power.”¹² (And all this leads us irresistibly to infer that “there is a case for taking away the police from the control of the executive”,¹³ although, “this still does not answer the basic question: To whom should the police be responsible if not to the executive? There have been serious suggestions that they should be under the judiciary. One does not know how this will work . . .”¹⁴)

(One really does not know how the police will function under the judiciary. “When legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty. Again there is no liberty if the judicial power is not separated from the legislative and executive powers. Were it joined with the executive power, the judge might behave with violence and oppression.”¹⁵)

If we sharpen our perception, it will dawn on us that placing the police under the judiciary is a remedy which might arguably prove worse than the malady. It would undoubtedly amount to making the judge the investigator and the prosecutor also and this would not be in keeping with the imperatives of the rule of law. Actually it would amount to moving the wheels of history backwards. For, whatever the potent arguments in favour of separation of the judiciary from the executive, will now be (and with greater vehemence) against the subordination of the police to the judiciary. Accordingly, the very idea of placing the police under the judiciary strikes a chilling and unwelcome note.

With the Code of Criminal Procedure, 1973 (No. 2 of 1947) (which came into force on April 1, 1974) the state governments were faced with a dilemma—whether to keep the prosecution under the police as theretofore or to remove it from the police and give it to some other agency. And many states opted for the removal but what they did made the situation no better. For, at the state level, they kept prosecution under a director of prosecution who, in turn, was placed under the home minister of the state government; at the district level they placed it under the district magistrate. Thus prosecution, in spite of this change, continues to be under the executive.

The question is, why did this change become imperative? The answer would seem to lie in the following conclusion arrived at by a Committee of the International Commission of Jurists in the International Congress of Jurists held in New Delhi on January 5-10, 1959.

¹²Hens Klecastsky, “Reflections on the Rule of Law and in particular on the principle of administrative action”, *Journal of the International Commission of Jurists*, Vol. IV, No 2, p. 205.

¹³Kuldip Nayar, *op. cit.*

¹⁴*Ibid.*

¹⁵Motesquieu, *Esprit des lois*, 1748.

"The prosecuting function necessarily involves the exercise of restraint and a sense of fairness which cannot be comprehensively reduced to precise formulation. Although it is the common practice to vest in the executive the final responsibility for the conduct of prosecution, it is essential that the supreme prosecuting authority exercises his functions in an independent capacity rather than in pursuance of instructions given by the executive."¹⁶

The answer also lies in an observation of the Indian Law Commission in their report: "It must not also be forgotten that a police officer is generally one-sided in his approach. It is no reflection upon him to say so. The police department is charged with the duty of maintenance of law and order and the responsibility for the prevention and detection of offences. It is naturally anxious to secure convictions. Not infrequently, relevant witnesses are kept back by the prosecution. . . . These are the results of the excess of zeal by the police officers and a want of a realisation of their true function."¹⁷

It does not seem to have occurred to the powers that be "to follow the practice of employing practising lawyers as prosecutors rather than having professional prosecutors who are in the permanent employment of the governments".¹⁸ In the UK the absence of a hierarchy of professional prosecutors and the answerability of the prosecuting counsel¹⁹ to the traditions and discipline of the bar (which is concerned as much with the rights of the defence as of the prosecution) are expected to provide an important safeguard against the arbitrary or over zealous exercise of the prosecutor's position.²⁰

¹⁶"The Rule of Law in a Free Society", *op. cit.*, p. 278 (The language of this conclusion rings rather hollow because it blows hot and cold at once. How can an organ working under the executive afford to ignore instructions given by the executive?).

¹⁷(This observation applies with equal force to Assistant Public Prosecutors serving under the District Magistrates and the State Home Secretaries).

¹⁸G.C. Singhi, "Prosecution in Magistrates' Courts: Why Not Engage Practising Lawyers", *Prashashanika*, Jaipur, April-June, 1975, p. 28. (It is a general rule that only members of the bar can appear before courts of law to represent contending parties. The State has made an exception for itself by saying that in Magistrates' Courts, Assistant Public Prosecutors who will not be members of the bar will conduct prosecution. This obviously is discriminatory and not in keeping with the principles of the rule of law).

¹⁹"The primary responsibility of a prosecutor is not that he shall win his case, but that justice is done. His should be a two-fold aim—that the guilty shall be brought to book and the innocent shall go free"... "We should have as prosecutors—it is said repeatedly—lawyers of standing, integrity, industry, ability and experience. How shall this reform be achieved?" *The State of the Union*, Charles Scribner's Sons, New York, 1965, pp. 263-64.

²⁰"The Rule of Law in a Free Society", *op. cit.*, p. 257.

Now we come to the investigation of offences.²¹ The Royal Commission on Police (1962) emphasised that the investigation of cases is part of the judicial process and that the police must be entirely independent in the discharge of functions which are judicial or quasi-judicial.²²

As long as a criminal case is under investigation (and as such with the police) and has not been put up before a court of law for trial of the accused, anybody can criticise it in the press, on the platform or in the legislature. But once that very case has been put up before a court of law, no body can utter or write a word of criticism either in the press or on the platform or in the legislature for fear of contempt of court. And since investigation is as sacred as a court trial, one fails to understand why double standards are applied—one during police investigation and another to the court trial. In fact both being judicial processes, both should be treated equally. That it is not being done, could, perhaps, be ascribed to the fact that investigations are conducted by police officers who are not considered to be so respectable (as judicial officers are) because after all they are responsible to the executive.

What inevitably follows is that if the cherished and worthy ideals, so potently and forcefully expressed by the aforesaid commissions are to be realised, it would appear that both the prosecution and investigation should not only be separated from the district magistrate, the police and the home departments but should be removed from the executive also. For it is of "fundamental importance that justice should not only be done but should manifestly and undoubtedly be seen to be done". The doctrine of separation of powers is also a pointer in this direction. It is in keeping with this doctrine that the judiciary has been separated from the executive. It is time, therefore, that the judicial function, comprising investigation and prosecution, is also separated from the police and the home departments, which are under the executive, and placed under some authority which may be independent of the executive.

What has been set out in the preceding paragraphs constitutes

²¹Investigation has by all accounts been subordinated to prosecution. Prosecution encompasses investigation. That is why while dealing with the criminal process and the rule of law, Committee III of the International Congress of Jurists held in New Delhi between January 5 and 10, 1959, laid down the minimum duties of the the prosecution. These duties were obviously equally applicable to investigation also. The duty of investigation should also be fairly to place the relevant evidence before the court and not to obtain a conviction at all costs.

²²"Ministers cannot, in our view, be responsible for the acts of individual policemen or for the day-to-day enforcement of the law. Consequently, the responsibility of the Secretaries of States should not extend beyond a general duty to ensure that police operate efficiently and they should have no powers of direction" (para 230 of the *Report of the Royal Commission on Police* in U.K., 1962).

the concept. Now let us see what structure it would need. The agency charged with the investigation of offence and prosecution of offenders could, with advantage, be termed as the department of public prosecutions and placed under a constitutional authority to be designated the Supreme Prosecutor General of India (having the same functional independence as is enjoyed by the Comptroller and Auditor-General of India). Under him could be appointed a prosecutor general for each state. The Supreme Prosecutor General should submit an annual report to the president who should cause it to be laid before each House of Parliament. And as audit of the accounts of the union and the states is a union subject (item 76), investigation of offences and prosecution of offenders could also be declared to be union subjects. Simultaneously, contempt of the department of public prosecutions should statutorily be made punishable by enacting a piece of legislation analogous to the law of contempt of courts.

Furthermore, in order to make the envisioned structure more and demonstrably enduring, the posts of the Supreme Prosecutor General of India and the prosecutor general of a state could be manned by the senior most judge (junior to the chief justice) of the Supreme Court of India and the high court of the state,²³ respectively, so that when his turn comes, he may relinquish the post and take over as chief justice.²⁴

All lawyers working as government advocates, public prosecutors and assistant public prosecutors for conducting prosecution of criminal cases in the high courts, sessions courts or even courts of judicial magistrates should operate under the orders and guidance of the prosecutor general of the state. All the investigating officers whether in the districts or at the state level (analogous to the investigators of the state C.I.D. crime branch) will also legitimately have to be placed under the control of the prosecutor general of the state. Details relating to regional, district and sub-divisional hierarchies could be worked out. Prosecutor will, in this set-up (it may be reiterated with emphasis), be members of the bar and investigators be like the investigators of the central bureau of investigation.

On these very lines criminal cases on behalf of the state in the Supreme Court will be handled by the Supreme Court advocates under the direction of the Supreme Prosecutor General of India. The central

²³This would mean that the Supreme Prosecutor General should get such a salary as should be higher than that of a Judge of the Supreme Court but lower than that of the Chief Justice of the Supreme Court. Similarly the Prosecutor General of a State should get a salary which should be higher than that of a Judge of the High Court but lower than that of the Chief Justice of the High Court. A mean could be struck in both the cases.

²⁴G.C. Singhvi, "Separation of Prosecution from Police", *Management in Government*, New Delhi, July-September 1972, pp. 136-37.

bureau of investigation will also operate under the Supreme Prosecutor General.

The above constitutes one facet of the problem comprising the so-called police functions of investigation and prosecution which significantly form a part of the judicial process. The police are charged with the prevention of offences and maintenance of peace and order (*inter alia* including traffic policing) also.

The question then is: who will deal with the aforesaid 'order' police functions? The obvious answer is that these functions would be dealt with by the existing police departments which will continue to be accountable to the executive as heretofore. There would, of course, be one big difference and that is, with the major functions of investigation and prosecution gone, the police departments in the states will have to be cut to size by making them undergo a major operation.

REORGANISATION OF INDIAN POLICE SERVICE

The Indian Police Service, (as an all-India service), as it exists today, will have to be abolished. The posts of I.Gs. police of states and D.I.G. of division states, instead of being manned by I.P.S. officers will be manned by I.A.S. officers. The states' commissioners for home affairs-cum-secretaries to the state governments in their home departments could be appointed *ex officio* I.Gs. of states. The posts of executive magistrates could be abolished altogether and the collectors (deputy commissioners) be appointed *ex officio* D.I.Gs. for their respective districts. The posts of functional D.I.G. and A.I.G. like those of intelligence and state armed constabulary, etc. (who could be given appropriate secretarial status) as also the posts of D.S.Ps. could be manned by super-time scale (to be created), selection grade and senior scale officers of the state police services. The I.P.S. could, in that event, assume a new complexion altogether as a central police service to man the hundreds of senior posts in the central police organisations like Central Intelligence Bureau (C.I.B.), the Border Security Force (B.S.F.), the Central Reserve Police Force (C.R.P.F.) the Railway Protection Force (R.P.F.), etc.²⁵

What has earnestly been advocated in this paper would indispensably necessitate changes in the law of the land but then law, as all other human institutions and social concepts, is never static and must undergo dynamic changes reflecting the will and interests of all citizens

²⁵G.C. Singhvi, "District Magistrate and District Police", *Indian Journal of Public Administration*, New Delhi, October-December, 1973, pp. 521-22.

of the state.²⁶ There is nothing sacrosanct about it. And no law can lay any claim to everlasting validity.

(I may now conclude this paper with an assertion that what has been pleaded here is the bifurcation of the existing police into two independent entities—judicial (or law) police and executive (or order) police. The former should, for obvious reasons, not be called the 'police' at all and not be responsible to the executive either. Instead it should be called the public prosecution department. With a department of the type envisaged, the investigators of offences and prosecutors of offenders will be accountable neither to the police or administrative service officers nor to the ministers but to the Supreme Prosecutor General of India who, in turn, will be accountable to none other than the Parliament. The latter, namely, the order police, should be called the 'police' and the existing police departments with considerable cutting and pruning be made to shoulder the burden of order policing of the country. Order police, for creating a psychological impact, should have not I.P.S. officers but I.A.S. officers.

In such a re-conceived, re-oriented and re-structured law (judicial) and 'order' (executive) set-up, people's eroded faith and deepened disappointment will eventually be replaced by heightened expectations, rekindled hopes and tangible achievements. In the ultimate analysis, the set-up envisaged in this paper will be found to be not only in full conformity with the principles of the rule of law and reign of order but will also predictably add a new and meaningful dimension to it.



²⁶G.C. Singhi, "Socialisation of Punishments to Anti-social Individuals", *Social Welfare*, New Delhi, January, 1971, p. 3 (within the changing pattern of human relations resulting from progressive social advancement, the Rule of Law must undergo an evolutionary and expanding process to meet new and challenging circumstances".)

Socio-Cultural Dimensions of Police Administration*

Harshad R. Trivedi

REVOLUTIONS IN the modern world may often be quelled and sometimes even be caused by the thoughtful or thoughtless actions of the police. They can be caused by many other reasons also, but that is beside the point. From what is going on in the world, today, it seems reasonable to think that the above hypothesis has possibly an universal application. However, it is pertinent to note that next to the military, the police force is one of the most powerful instruments of social control in the hands of the rulers. It is a great asset for discharging the prime governmental functions of maintenance of law and order and well-being of citizens within the framework of political organisations of socio-cultural systems. It is evident from the past that no civilised society can function peacefully without the help of a well organised and disciplined police force with its attendant services, checks and balances.

Having made these general observations relevant to the main thrust of this paper, we may delimit its purpose. Firstly, we will not deal with police administration directly as it lays down precise rules and regulations for all police actions. Nor will we deal with the application of police force in the task of surveillance, patrol, civic services, public guidance, etc., for bringing the guilty to book, nor with their actual role in preventing occurrence and spread of acts of destruction of public and private property, personal violence and crime against the citizens. Also, we will not deal directly with the day-to-day administration of recruitment, training and real operations of the policemen in the hierarchical positions in rural and urban areas.

This is because a lot is known about police administration, its structured machinery, organisation, training and methods of opera-

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tions in the light of its judicial norms, functions and responsibilities. On the other hand, very little has been written about the social milieu from which the entire manpower of police is recruited; and also not much has been said about the characteristics of the people among whom the policemen have to live and work. In this paper, however, we shall pay greater attention to the former than the latter aspect. Police administration in any country develops its characteristics generally in accordance with the values and attitudes prevalent not only in the social milieu of the people who have to be protected, but in that of the policemen themselves.

In *The World's Police*, James Cramer has quoted a wellknown police officer of New York, saying that "A Berlin Schutzmann in Trafalgar Square would provoke a riot in two hours and the peaceful mannered London 'Bobby' would be overwhelmed in Berlin." Similarly, another police officer is reported to have remarked that, if a British policeman were to perform duty in New York, he would be "kidnapped within a few hours."¹ Here we have an indirect but clear reference to the fact that the number of firearms and other offensive or defensive weapons in the possession of the citizens of these countries is higher per capita than in most countries of the world. This obviously indicates possible relationships between the proportion of defensive and offensive weapons and equipments that a police administration in a country should allow the policeman to keep to match those owned by the masses of the people or special groups. Too many weapons or technical devices in the hands of a policeman can also be dangerous, if the citizens are armless and are unaware of their rights or if their normal activities are curbed under a despotic rule.

A THEORETICAL MODEL OF SOCIO-CULTURAL DIMENSIONS

We will now develop a theoretical model for explaining the socio-cultural dimensions of the subject under discussion. This model is derived from a simplified version of Pitirim Sorokin's overall socio-cultural conceptualisation. In the four volumes of his renowned work, *Social and Cultural Dynamics*, Sorokin developed a general theory of socio-cultural phenomena, in relation to social, cultural, and personality systems.² He enumerated nine 'logical satellites' of the main cultural mentalities which are shown to be operative as assigned to different value items in his seven types of cultures. These types are: (1) Active Ideational, (2) Active Sensate, (3) Ascetic Ideational, (4) Cynical Sensate, (5) Idealistic, (6) Passive Sensate, and (7) Pseudo Ideational. Of these, we consider here only three, i.e., the

¹James Cramer, *The World's Police*, Cassell, London, 1964, p. 445.

²Pitirim Sorokin, *Social and Cultural Dynamics*, Volumes 1 to 4, 1937-41, New York.

second, the third and the fifth cultural types as they provide the most viable frame of reference for understanding the sub-cultures of the individuals recruited in the police force in a developing country like India. All these three cultural types become relevant to the purpose of this study in terms of the *social and practical values* that they have in relation to police administration and the normative functions of the police prescribed by social systems. A society can be divided into three strata represented by these three types of sub-cultures, the characteristics of which are elaborated here³: (1) *The Ascetic Ideational Stratum* consists of those who seek the consummation of the needs and ends through elimination and minimisation of the carnal needs, supplemented by a complete detachment from the sensate world and even from one's self. (2) *The Active Sensate Stratum* consists of those who seek the consummation of its needs and ends mainly through efficient modification, adjustment, readjustment and reconstruction of the external milieu. The great executives of history, the great conquerors and builders of empire, are its incarnations. (3) *The Idealistic Stratum* is a form of mixed class comprising the characteristics of the first two strata. Quantitatively it represents more or less a balanced verification of the *Ideational* and the *Sensate*; with the predominance of the latter elements. Qualitatively it synthesises the premises of both the types into one inwardly consistent and harmonious variety. Its needs and ends are both spiritual and material, but subordinated to the spiritual.

As hypothesised earlier, revolutionary or peaceful conditions in a society may be generated in relation to what type of rulers rule over the people; through an army of policemen trained to harass the people or help in discharging their socio-cultural duties and responsibilities? We may not prove or disprove any hypothesis of this kind, except analysing, explaining or interpreting the relationships which seem to exist between the police administration and the people recruited in the police force in the course of historical development in India.

THE HISTORICAL SCENE

From time to time, there have been people's police and ruler's police in India. In the reorganised and integrated princely states of the present-day India, we have truly in principle the people's police working under the control of their elected representatives. However, as Chari puts it, "Examples of people's police may be found in Great Britain, the United States, Canada, Australia, Japan

³Charles P. Loomis, and Z.K. Loomis, *Modern Social Theories*, Nostrand and Affiliated East-West, New Delhi, 1963, pp. 488-89.

and other countries. The police in Soviet Russia is a typical example of ruler appointed police. In the case of India, the police was organised in its present shape during the British colonial days, and therefore, there are allegations that the police in India continues to be essentially a colonial or ruler appointed police."⁴

The colonial character of the police referred to above is mainly in the nature of its administration, style of operation and recruitment methods. In the times of popular discontent against the British empire, the princes, and feudal lords there were widespread cases of organised personal crime, communal riots, destruction of public property, etc. Such dangerous situations had to be met by the policemen effectively and so they were armed with deadly weapons. They used these weapons freely as if there were fighting against an alien army and not against the ill-equipped freedom fighters and the defenceless public. In their role as the protector of the British raj, the policemen committed gruesome and brutal crimes not only against the freedom fighters but also against innocent citizens in the countryside. The suppression of the cult of the *thagees* and other kinds of highway robbers by the British was, however, an exception.⁵

The social status of the policemen in those days was really awe-inspiring. They were looked upon as the direct agents of the *Gora Sahibs* (the British rulers) and their feudatory Indian princes (the *Kala Sahibs*). The British were quick to identify special ethnic groups with martial tradition and gave them preference for recruitment in the military as well as the police force, which, in fact, was more a real 'force' than 'service'. Those recruited as policemen were treated with deference by the foreign rulers. The police enjoyed the status and power in the society next to the civil servants and the military. However, and most of the persons recruited for the force did not have any high educational status in society.

Looking from this historical perspective, we can generalise that the then rulers of India set some organised ethnic groups of police force against another set of ethnic groups of citizens. This was possibly a kind of micro-level manifestation of the infamous policy of 'divide and rule' practised effectively by the British in India. Thus, the 'loyal' ethnic groups (the police) fought against the 'disloyal' ethnic groups (the people) of the same affinity or of different kinds. Even though some of these natives, who were tools in the hands of the foreign rulers, were conscious of their dubious role, they could not do otherwise on account of the force of habit or circumstances or both.

⁴T. Anantha Chari, "Democracy and Social Defence", *The Police : Seminar*, 218, 1977, p. 27.

⁵Sir Francis Taker, *The Yellow Scarf*, Dent & Sons, London, 1961.

The police administration in India is now being controlled by the ministries of Home at the centre as well as in the states. As the ministers are elected by the people in principle, it is pertinent to conclude that the present day policemen, whom they control, are nothing but the people's police. However, the truth possibly lies half-way. The administrative structure within which they are functioning and the procedural and legal-rational norms which they follow leave much to be desired. The rules of the magisterially controlled police, laid down in the police manuals of the British time, are still in operation. In brief, there has been little material change in the quality of legal enforcement techniques and in the public service rendered by the police to the people. Beside, the cultural climate in which one kind of ethnic group is fighting *incognito* against another, through various channels, including the police force, has not changed much even after the lapse of a quarter of a century after independence. Presenting some details of certain anomalies in police administration, A.P. Mohanti writes, "The investigating officer, known as I.O. or the *thanedar*, can intelligently conduct an investigation provided he knows the local people. In Britain, this background has been put to use by keeping the constable on his home beat. Police manuals here (*in India*) have a rule that no one should be posted as the officer in charge of a police station for more than three years, and that a sub-inspector shall not be posted at his home police station."⁶ The latter rule seems to have its origin in the fear of misuse of power by an aggrieved local group against another, possibly through a partial police administration in the sub-division of a district.

SOCIO-CULTURAL CHARACTERISTICS OF THE POLICEMAN

One of the beliefs that those who join the vocation of the police do so on account of their inability to get other jobs, tells almost nothing about the real background of the people in this profession. We will throw some light on this matter in the next para. But before doing so we should note the remarks of a former director of the National Police Academy, New Delhi, that 'At present the police force consists of about 80 per cent constables, most of whom retire in that rank. A very small percentage get promoted as head constables and a few to the rank of sub-inspectors of police. The result is that a large number of constables who join are either illiterate or semiliterate and rejects from other walks of life.'⁷

These remarks may not be wholly right. It is likely that some

⁶A.P. Mohanti, "Open Forum", *The Times of India*, December 4, 1977.

⁷S.C. Misra, "Structural Changes", *The Police : Seminar*, 218, 1977, p. 21.

sections of the total community of policemen may be those who, in their childhood, might have craved to become policemen. It is quite possible that the childhood fantasies of an individual may lead him to this vocation in which one has an opportunity of becoming powerful and able to subdue one's opponents or give protection to one's fellowmen. A large number of policemen in the rank of constables may inherit this kind of background by being born in the family of landlords, agricultural labourers, husbandmen, etc. A socio-cultural background such as this may have a lot to do in shaping his personality traits. With minor differences in specialisation of rural jobs, where, for instance, a person may be a cattle breeder, farmer, artisan, etc., he has to be generally acquainted with the tricky problems of controlling and taking care of domestic animals in his day-to-day life. It may be an ox, a horse, a milch cow or a buffalow, in one's own or in a neighbouring family, a villager has the first-hand knowledge of their peculiar habits and practices. It is true that a villager in general treats the domestic animals with love, and cares as if they were the members of his family. However, he has to use, often, a big stick in order to make them do what he wants. This third degree method of beating and thrashing used in controlling and taming animal behaviour is not a gentle task, it requires the free use of brutish force with a heavy hand. When these and other farm hands recruited in police force are engaged to control civilised human beings, they can hardly change the coarseness of their internalised habits and the impact of their powerful thrust. The mind behind this heavy hand does not require, obviously, special instructions to act brutally and mercilessly. These rustic methods of controlling the guilty and the criminals are accompanied by a free use of abuses in filthy language to unnerve the victims of police action. In recent times some of these methods of torturing the suspects and criminals have naturally met with severe public reproach. Policemen from the lower levels, with this kind of inherited cultural values and behavioural patterns, when asked to wield *lathis* on peaceful *satyagrahis* or bullets on violent mill-hands, students, etc., are inclined to lose their heads. Their latent instinctive and impetuous behaviour of subduing brutish (or cattle) power is naturally aroused on such occasions.

Serious blood-feuds or petty disputes around land, women and other property are quite common among the villagers, even though they may be each other's kinsmen, castemen or neighbours. Such feuds lead to litigations which sometimes go on for years and even generations, and may impoverish the parties in dispute. When the decisions given by the courts of law are biased, partial or unsatisfactory, the villagers have a tendency to take the law in their own hand and commit further crimes by acts of arson, violence or theft in order

to settle scores with the opposite party. In parts of the country-side, it has been learnt that some villagers spare one of their sons to join the police force with the view to be acquainted with the legal sanctions, and when necessary, to learn how to circumvent legal hurdles and procedures to safeguard the interests of the members of their family, ethnic group or caste. If a villager has experienced undue harassment or suffering from his enemies or rival groups, he is likely to build an adequate defence with the help of his kinsmen working in the police force. It is likely that a person in the police with this kind of hostile background and susceptibility to attack, may unwittingly direct his suppressed anger against the suspects and criminals who may not have done any personal harm to him in any way. It is likely also that a person may choose the vocation of a policeman just to seek an outlet for his anger aroused on account of social injustice which he or his family members might have failed to redress within the framework of social norms and legal sanctions.

Notwithstanding all this, the Indian culture, in general, gives expression to the age-old ethos of glorifying the questionable deeds of individuals who go out of the way in order to redress social ills or personal injuries. Legends are built around the lives of people who had set aside normative standards of the society in order either to become bandits or saints with the hope that their acts of brutality, bravery or sacrifice will go a long way in harnessing fair play and equity between the haves and the have-nots. Those who like to pursue the goals of any idealism of the extreme or the intermediate nature are also likely to be drawn towards the humanitarian service goals of police administration. This author had the first-hand knowledge of a young D.S.P. who was a highly religious and pious soul. There have been cases on record wherein people had renounced the world and become saints during or after completing their careers as upright police officers. However, some police officers have turned against law and order, and become hardened criminals heading dacoity, gangsterism and murder. It is no doubt common that various kinds of transformations in the life and personality of individuals in society are to be found in all walks of life, but such cases of hostility become most dangerous when they occur among the class of policemen whose services are highly valued in upholding a sane and moral social order.

A TENTATIVE CLASSIFICATION IN RELATION TO SOCIO-CULTURAL DIMENSIONS

The socio-cultural status of the various categories of individuals recruited to the police force can be determined largely by ascertaining three broad levels of educational qualifications. Since it is not

the purpose of this paper to go into details of the subject, we will make broad assumptions in arriving at an *ad hoc* classification of police administration and match it with a set of tentative socio-cultural variables for the purpose of generalisation. It should be noted, however, that these generalisations are neither final nor intended to glorify or undermine the individuals who may fall into any position in the police administration in relation to their socio-cultural characteristics.

Firstly, one can assume reasonably well that excepting those at the higher level of police administration in the category of I.G, D.I.G, D.S.P. and their assistants, viz., Dy. and Asst. superintendents (whose educational qualifications and training are considerably high), the educational standards of the junior categories of officers, leave much to be desired. The persons holding these high positions from district level upwards, generally come from families of higher socio-economic stratum in the society. With some exceptions to the rule, therefore, we may put them in the class of the *Ascetic Ideational Culture* type described earlier. The individuals of this type, in brief, are those who show inclinations of minimising personal needs and ends by minimising their carnal needs for the larger good. Some characteristics of these people may be outlined thus: They may be of the broadminded, understanding and forgiving type. They may be prepared to give their own life in encounters with dacoits and gangsters. They may jeopardise their personal safety in protecting public life and property. They show ruthless efficiency in breaking up corrupt rackets of influential anti-social groups. They provide good and able leadership to the subordinates, and do not interfere with their day-to-day discipline. They are fearless and express disgust for human torture. They are highly concerned about the welfare of the citizens and particularly of the weaker sections of society. When their actions and decisions touch the vocal sections of society, such as the press, politicians, etc., and when they are sometimes criticised of excesses of corruption, and such other shortcomings, they are not unduly perturbed.

Secondly, every police or administrative district in India comprises six to eight administrative circles in charge of inspectors. And each circle has about six police stations manned by sub-inspectors. The socio-economic background of these two categories of police officers warrants that we put them in the balanced and mixed kind of socio-cultural dimension. The persons holding these positions are generally those having moderate educational attainments and come from a middle class socio-economic background. It will be appropriate therefore, to say that the policemen falling in this category belong to the *Idealistic Culture* type. These people show inclination towards

fulfilling needs and ends which are both spiritual and material. Some characteristics of these people may be outlined as under. They are those with a high sense of optimism. They are prepared to shoulder heavy responsibilities. They look ahead with faith in law, and do not subscribe to any fixed image of their personality since some of them may be dedicated and gentle, and some corrupt and brutal. Similarly, they can be courageous and ambitious or lazy and lethargic towards personal crimes like rape and torture of innocent people. They have a wave-length of their own, but are down to earth, resourceful, curious and disciplined. They are more action oriented than theoretical. They are patriotic and have a sense of loyalty and are likely to become political scapegoats.⁸

Thirdly, a sub-inspector in charge of a police station is assisted by two head constables and about eight constables. The sub-inspector is also called the *thanedar*, and in rural areas generally designated as the station house officer. The duties of constables are divided into a number of beats, each of which comprises a group of villages in charge of one constable. The head constables and constables, by and large, come from rural areas and from the lower socio-economic stratum. Many of them are poorly educated and are able just to read and write in local language which conventionally functions as a means of keeping police records. We can reasonably put this category of policemen in the *Sensate Culture* type. These people show inclination towards the fulfilment and consummation of carnal needs and ends. Some characteristics of these people can be outlined as under. They can hold false pride of position and express it in rude behaviour towards the public and may give threats of breaking the bones (*haddi-pasli*) of the offenders and even suspects. Some of them can be without scruples or morals and, therefore, may not hesitate in using brutal methods. They are likely to be a party to minor corruption as a means of securing control over the law-breakers and *goonda* elements in the society. The pedlars, hawkers, shoe-shine boys, beggars, etc., who create public nuisance and make illegal encroachments in towns and cities, earn their living at the connivance of the constables. It is likely that most of these numbers of the unorganised sector of economy, petty traders, etc., are villagers who are able to evoke a sympathetic cord in the hearts of these keepers of law who themselves are villagers. One of their greatest weaknesses is said to be that they indulge in telling lies. They may produce medical certificates to avoid visiting riot areas, and may be highly conservative, servile and intolerant of dissent, and, therefore, instead of protecting the innocent and the helpless, they might become a source of harassment to

⁸Ved Marwaha, "The Sub-Culture", *The Police : Seminar*, 218, 1977, pp. 14-17,

them. Instances of raping women by constables are not wanting. In the presence of the high-ups, they use flattery as a weapon to please and hide their shortcomings, and try to remain defensive all the while. They may express cynicism in attitude, and become less legalistic and more result-oriented. By and large, they use extra-legal means in the case of routine crimes, and because the administrative procedures including those in the judiciary are so unrealistic, they tend to hold a defensive posture. They are involved in day-to-day vicious circles of questionable procedures to such an extent that many of them suffer from terrible insecurity, particularly because they are not judged by honest hard work, but by their ability to indulge in administrative corruption as and when required, to put up a good show. They put in long hours of work on religious and national holidays, without allowance or compensatory leave. Moreover, they put up with unwholesome living conditions in dilapidated police-lines. All these minus points taken together, make this type of police sub-culture a persecuted minority community.⁹

CONCLUSIONS

This paper tries to suggest that the study of police administration, its working and its impact on society should take cognisance of the socio-cultural background of the policeman. So long as the educational status of a policeman is related to his position in the hierarchy of police administration, it is possible to show some positive relationships existing between the socio-cultural dimensions and the administrative classification of its members. The matching of the socio-cultural background of the policemen with their administrative positions, of course, is relatively a crude method of comparison which can be further refined. A policeman's natural inclination and susceptibility to think and behave in terms of *Ideational*, *Idealistic* and *Sensate* cultural configurations may not be influenced always by his educational status and socio-cultural background. It cannot be said conclusively that a person coming from a particular status hierarchy in police administration will be inclined to think and behave wholly according to the characteristics outlined under the three cultural types considered in this paper. It is likely, for instance, that a constable, coming as he may from high or low caste, class, minority community or ethnic group, may demonstrate inclinations and personality traits of those subsumed and classified here under the *Ideational* or *Idealistic* culture types. □

⁹Harshad R. Trivedi, *Urbanism : A New Outlook*, Atma Ram & Sons, Delhi, 1975, p. 184.

The Police Service : Some Compulsions and Contradictions*

S. Venugopal Rao

WHY DID I become a policeman ? I have asked myself this question time and again without finding an adequate answer. At no time, either in childhood or adolescence, had I ever imagined that I would choose law-enforcement as my career. It was a choice necessitated by the paucity of careers in an uncertain age and my inability to make the grade for the more coveted civil service. In this, I share the experience of hundreds of our young men from the universities who accept the police service with a sense of philosophic resignation. Very few indeed who enter the higher echelons of the service through competitive examinations do so through personal inclination, aptitude or genuine understanding of the significance and social purpose of the police. The harsh reality is that the police service is not attractive enough, as this is amply reflected in the large number of probationers who devote much of their time at the National Police Academy to prepare for other service examinations to the detriment of their training.

The above observations made in the context of recruitment to the Indian Police Service may not be fully valid in respect of the rank and file recruited at low levels. In a society in which the spectre of unemployment is frightening, there is little choice, no doubt, but an additional element of motivation is introduced and this is dependent upon the candidate's own perception of the police role, the power and authority that go with it, and the potential for illegal earnings associated with the service and looked upon as 'perks'. Lest some eyebrows should be raised on this bit of plain-speaking, I may mention that a few years ago, there were at least three states which were rocked by scandals in the recruitment of sub-inspectors. Even if there is some quantum of truth in the allegations which were

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current in police circles, it would mean that a fair number of policemen begin their service on a note of corruption which must inevitably persist for the remainder of their careers.

My childhood impressions of the police are nebulous and scattered through a few incidents in which I felt the impact of the police in an indistinct manner. The earliest picture that comes to my mind is that of two barefooted and bedraggled constables in conical red turbans perched precariously on their heads, bringing a prisoner in handcuffs and chains to our house for production before my father who was then the local executive magistrate. I was seven or eight years old and this picture becomes more vivid as the years roll by. The policemen gave me the impression of being always in the background, saluting and withdrawing as dumb automatons. They did not evoke any fear in me presumably because of my privileged position in the house; instead, they appeared almost ludicrous on account of their mechanical movements and exaggerated sense of servility which they displayed in the presence of my father. I did not know then the extremely sensitive relationship between the police and the magistracy.

Two historic events remain clearly etched in my memory, I saw Gandhiji for the first time when I was about ten years old. At a mammoth gathering in our town, he sat unmoved as a band of volunteers tried desperately to control the surging crowds. A posse of constables made a half-hearted attempt to restore order, but they were turned back disdainfully. They returned somewhat crestfallen by the popular rejection and sat down on the fringes of the crowd in a statuesque fashion. Gandhiji spoke in Hindi slowly and softly while an ardent follower translated the speech into Telegu. Making a cryptic reference to the police, Gandhiji said they were merely doing their duty, and the essence of his non-violence was that there should be no interference with conscious performance of duty. The brief reference to the police drew my attention to the small group sitting nearby and I was taken aback. The constables sat motionless under the dictates of a rigid discipline, but there was one among them who was visibly moved, and tears were streaming down his rugged cheeks. I could sense his desperate effort to steady himself for fear of being found out and castigated. In that fleeting moment, I saw every policeman as one among us.

It was an exhilarating thought that policemen—feared and despised though they might be—were still an integral part of our society. But disenchantment was to come soon. A few months later, the country was in the throes of the civil disobedience movement, and its impact was felt in our sleepy little town also. There were wild rumours and simmerings of trouble. In the evening a huge crowd

had gathered at a public meeting to hear a local leader who had announced his decision to offer *satyagraha*. As the meeting progressed, the police came. They were not the usual policemen with red turbans, but the armed police from Malabar with their black regulation boots, lathis and evil-looking guns. The *satyagrahi* was arrested and was being taken away when the crowd lost control and made a concerted effort to prevent it. The police response was brutal and unyielding. Standing on the fringes of the crowd, I could see little of the *melee*. Then the shots rang out and the crowd began to disperse in total disarray. I too ran for my life. The last I saw was of the policemen chasing, hitting hard and unleashing a stream of vulgar abuse. Revelling in the display of their power and strength, they reminded me of the horrendous minions let loose by the demon kings in our mythology.

Many decades later, I was myself facing a violent crowd of workers whose 'peaceful' strike had entered the crucial stage of transition to aggressive violence. We argued and appealed in an atmosphere surcharged with tension, but with no result. It was obvious that the crowd had to be dispersed by force, but I waited, hoping against hope, that this extreme step might be avoided. Even as I did so, I was conscious of the increasing aggressiveness of the crowd and the growing impatience of my own men as the stones came flying by and hit a number of us. I was endangering my men's safety and running the risk of being overpowered. Worse still, there was a nagging fear that I might be dubbed a pusillanimous leader who could not act with determination, in time. These are aspects of man-management and leadership which are vital to the service. One could be hasty, on the other hand, there was the risk of acting too late, a contingency which could result in greater harm. This is a familiar police dilemma, but the most amusing part is that when these actions are judicially dissected many months later, there is little appreciation of the extraordinary psychological tensions to which police leadership is subjected. This is not to say that policemen do not err or over-react. In crisis situations of the nature I have described, however, it is not easy to determine with unimpeachable precision the moment of decision or the exact quantum of force that the situation warrants. It was a lucky day for me as I did not have to open fire and the crowd could be dispersed with a cane charge and tear smoke. All the same, when I went home, the incident left a bitter taste in my mouth. Was I an instrument of oppression or a vital link in social stability? Despite my liberal education, I did not know and I solaced myself with an imperfect 'rationale' of duty.

On my very first posting as superintendent of police, the district magistrate, an equally young officer of the Indian Administrative

Service, took strong objection to my addressing him informally in demi-official correspondence. The ridiculous clash was over a non-issue—the manner in which a superintendent of police should address the district magistrate. It needed a full-fledged order to clarify the appropriate use of *sirs*, *shris* and *dears* in official correspondence.

Nearly twenty years later, during a visit to Kashmir, I was in a friend's nondescript car when we were stopped at a traffic point while the constable on duty collected his daily quota of vegetables from impecunious cartmen driving their loads to the bazaars in Srinagar. A number of cars including some with foreign tourists queued up as the 'offerings' were made and accepted with surprising nonchalance. My companion was visibly incensed not because of the policeman's petty corruption—who could blame him with his wretched salary, he asked—but because the policeman brought down the image of the police and the country as a whole before all those foreigners!

As the Director of the Bureau of Police Research and Development, in 1975 I conducted a study of police fatalities, in which I found that during the decade 1964-73, 724 police personnel of various ranks were killed in the line of duty, representing an average of 72 policemen slain each year. An analysis showed that 158 lost their lives in anti-dacoity operations, riot control took a toll of 134, 331 were victims of criminal violence, and 101 died on border duties. In regard to the working conditions and environment in which the constabulary performs its duties, a recent survey by a social worker says: "Their sub-human standard of existence, the impossible hours of work, and the tremendous pressures of a job which is both taxing and unendearing, have not only lowered the morale of the service, but also retarded the entrance of intelligent and educated men. The darker details of this unhappy state of affairs, however, seldom comes to notice as officials are tight-lipped."

The above stray incidents and impressions, spread over a span of nearly fifty years, project to some extent the compulsions and contradictions in the police service in our country. More recently, the exposure of some police excesses during the emergency has brought into sharp focus a facet of police work strongly suspected but not readily conceded. These have been ascribed now to excessive zeal, individual aberrations and political pressures. Some of them may be true, some may be exaggerated and some may even be total misrepresentations engendered in the first flush of reassertion of the democratic tradition, but their relevance to the police image cannot be questioned. The coming years will see, irrespective of the fluctuating fortunes of political parties, a spate of socio-economic legislation. How can the law-enforcement agency play a purposive role in the process of nation-building unless it is properly attuned, organisa-

tionally sound, intrinsically honest and socially acceptable? No society—democratic or authoritarian—can exist without some kind of police system. In democratic societies, however, the institutions designed for the protection of their values, demand the highest degree of public approval, and it is important to see why we have not been able to develop such an institution.

NEED FOR CHANGE IN OUTLOOK

It is not merely now, but for the last thirty years the police have been at the receiving end of sanctimonious sermons from political house-tops exhorting them to change their colonial outlook and transform themselves into worthy instruments of change in a developing democratic society. How can there be a transformation without radical organisational reform? The system which we have inherited as a 'colonial' hang-over, has remained more or less the same despite a noticeable quantitative growth—inevitable in the context of the phenomenal growth of population, a distorted increase in the armed police component reflecting the constant fear of lawlessness and rising violence, and a few peripheral innovations impelled by the growth of science and technology. It is only now that we are beginning to talk seriously in terms of accountability, environmental brutalisation, ills of politicisation and the need for systematic organisation development. None of them is really new. The dilemmas and perplexities of the police are well known, but the solutions have remained in bureaucratic pigeon-holes as well meaning, but impractical, apologies of the champions of a lost cause.

In the first place, there has been no crystallisation of ideas regarding an appropriate police system for a plural society as ours which is committed to democratic principles. We have three democratic models before us—the fragmented police forces numbering more than 40,000 in the U.S.A. each accountable to the elected local representatives; the highly centralised *gendarmerie* and Surete Naionale in France; and a comparatively small number of autonomous police forces mainly under local control but with a residue of central authority operating through a system of inspections and financial grants in Britain. The development of these police systems in the present form was dependent naturally on the trends of political evolution in those societies, the genius of the people and the initial inhibitions and fears which marked their growth in the formative stages.

AUTONOMY FOR THE POLICE

While our options must be related to our own experience and aspirations, the point I wish to make is that some degree of centralisation is not necessarily undemocratic. The state police forces unde

a federal constitution are certainly entitled to a high degree of autonomy, but we should also be aware of the risk of taking the concept too far lest it should result in a conspicuous absence of uniformity in organisational development. Following the precedent of the Government of India Act of 1935, the Indian Constitution has left the police entirely within the purview of the state governments relegating to the centre some marginal responsibility regarding training. In consequence, the growth and development of the police in India has been noticeably uneven and lacking in cohesiveness. In the flux of social change, the phenomenal growth of communications and transport and the transformation in the complexion of crime itself, it is obvious that police organisations cannot afford to function in isolation. To ignore these compulsions in the name of autonomy is as unwise as it is short-sighted. The concurrent list should be enlarged to include such features as investigation of crimes with inter-state and international ramifications, a central crime records system on the lines of the National Crime Information Centre in the U.S.A., coordination and control in the event of national disasters, minimum standards of recruitment, police training at all levels, research and development, constitution of a police board, and financial support for reorganisation and reform. I am aware that some if not all of these suggestions will be looked upon as interference with state autonomy and resisted politically, but let us not overlook that some of these very features adopted by other societies have in no way eroded their democratic content. The truth of the matter is that we seem to have become oversensitive towards any change which has some bearing on centre-state relations.

The unsavoury manner in which the police agencies were used to promote the political objectives of a power group during the emergency brings to the forefront two other aspects on which there has already been some public debate. These relate to administrative accountability and political neutrality of the police. It is true that the present system in which the police service functions in virtual subordination to another service at all levels is anachronistic and colonial in perspective and totally incompatible with democratic principles. It introduces another bureaucratic element in a complex and sensitive area of social interaction with all the attendant evils of power without responsibility. But is it fair to ascribe the crisis of character only to this factor? In the suffocating climate of the emergency, policemen were not alone in trying to anticipate the slightest whim of the powers that be. While it is debatable whether they would have acted differently in another set-up, a pragmatic view recognises the unequal struggle between idealism and survival, and, therefore, calls for appropriate strengthening of institutional resistance to withstand such pressures.

ROLE IN AN IDEAL DEMOCRACY

We are generally inclined to ignore that police role performance is inextricably linked to political developments. In an ideal democracy, policemen are rarely involved in agitational politics or struggle for political power. The low profile of the police in our country is not only due to behavioural aberrations of individual policemen at different levels (and these cannot be denied even by the staunchest supporter of the police), but also due to the fact that they are constantly pitted against a sizable segment of society in its struggle with other power groups. Is the police then an instrument of change or an instrument of oppression? It can appear in totally distorted perspectives to the wielders and contenders of power.

Political neutrality of the police is a *cliche* which sounds well in academic rhetoric. But how can the police be neutral in the real sense of the term? Its very place in the adversary system of justice denies a neutral role to it. In the enforcement of laws, the police is a vital and powerful instrument for carrying out the policies and programmes of the *party in power* which is in essence the government established by law. Its failure to do so will be as intolerable as blatant circumventions of the law to advance the party's political objectives. In our contemporary society, the police role is comparable to tight-rope walking in which the tilt and tension of the rope are often determined by political leadership. ✓✓

CONCEPT OF NEUTRALITY

The concept of political neutrality of the police is somewhat illusory, because its accountability to the political system is unassailable, albeit within the framework of law. Among the suggestions put forward recently to get over this inherent contradiction are that the police should function with the same degree of independence as the judiciary, or be placed under the administrative control of the judiciary. Neither of these is a practical proposition. Ten years ago, in the United States, the President's commission on law-enforcement and administration of criminal justice was faced with a similar dilemma, but with an opposite slant. The Task Force which was entrusted with the study of the police system said: "Fear of being accused of political interference and an awareness of the sensitive nature of the police task have often resulted in the Mayor abdicating all responsibility for police operations by granting complete autonomy to his police department. . . . The consequence is we are now in a period of uncertainty as to the best relationship between police and city governments, and the issue is aggravated by the situation of unrest in large urban areas."

POLICE ROLE IN INDIAN CONTEXT

What then is the alternative in the Indian context? Since, at the state level, the inspector general of police is accountable to the state government for the proper functioning of his force, one may question whether it is necessary that this 'accountability' should be further fragmented at the district level through a complex mechanism of dual responsibility as envisaged more than a hundred years ago. If we look at the problem objectively, it certainly appears redundant that the police should be made accountable to another district official who commands neither departmental loyalty nor represents the people. If at all, the district level accountability of the police has to be in terms of control through elected representatives. It is somewhat strange that while democratic control is absolute at the highest levels of government, all types of misgivings and fears are expressed when it comes to democratic decentralisation. Societal protection and administration of criminal justice are of vital concern to the people and the earlier we are able to devise a system which can facilitate their constructive participation, the better. The system so devised should enable the police to function efficiently and impartially within a triangular framework of accountability, the three enclosing sides of which are departmental supervision, judicial checks and democratic control. There is no reason why such an arrangement cannot evolve into a healthy institution and serve as a corrective to departmental authoritarianism and as a constructive link between the police and the people.)

DELEGATION OF POWERS vs CHECKS AND BALANCES

When an individual or group or organisation is vested with power, there have to be checks and balances within and outside the system. It would be a sad day indeed for the country if policemen start questioning the need for constant introspection and external supervision, not withstanding the differences of opinion as to how and by whom the latter should be exercised.

It has become fashionable for the knowledgeable and not so knowledgeable even to compare the policeman in India with his counterpart in Britain and wail over the failings of the former. One may ask pertinently to what extent the British character itself had moulded the Bobby's personality. The noted anthropologist Gorer goes a step further and asserts that through systematic organisational efforts over a length of time, the British police came to function at a level higher than even the normal standards of public behaviour and thus mutually reinforced each other. He says: "The national character of a society may be modified or transformed over a given period through the selection of personnel for institutions that are in constant contact with the mass of

population and in somewhat a superordinate position, a position of authority." From whatever angle we look at the problem, it is clear that organisational ills lie behind many of our perplexities and contradictions, particularly in regard to the failure of the police to win the confidence and affection of the people whom they profess to serve and protect.

The organisational deficiencies are not difficult to identify. They relate to the outdated concept of administrative accountability, the primitively low levels of recruitment, the relegation of the bulk of the service to unproductive role performance, lack of status, legal distrust, absence of vertical mobility in career planning, a distorted scheme of rewards and punishments, inadequate training and cynical acceptance of corruption as a way of life of policemen. In short, it is the failure of our society to transform the coercive instrument of a colonial power into a socially sensitive service despite thirty years of independence and having a Constitution based on the highest principles of democracy. We have made enormous strides in science and technology, education, industry, agriculture, commerce and business management, but so far as law enforcement is concerned, there has been little qualitative improvement. It goes without saying that we must now pay the price for this neglect.

EXODUS TO NON-POLICE ASSIGNMENTS

(Two disconcerting features at the higher management level have to be mentioned in passing. They relate to the proliferation of senior supervisory posts and diversion of professionally competent officers to non-police assignments. The proliferation of higher posts disturbs the organisational stability, pushes up administrative and operational responsibility and leads to loss of initiative.) In one state, there are presently twenty six posts of deputy inspectors general as against the sanctioned six a decade ago. Despite a very marginal increase in the overall police strength, a situation of this nature has arisen due to the differential career prospects of the members of the I.P.S. who demand justifiably that at the corresponding levels of seniority and years of service, the pay structure should not be discriminatory among the various services. As regards the exodus of trained and experienced officers to other promotional avenues, I for one, would view it as an unwholesome waste of manpower contrary to the interests of the police service itself in the long run. The fact that senior police officers look to new pastures which may include, fishmongering and baking bread bespeaks of lack of job satisfaction, loss of identity and erosion of the sense of pride in the service. Is it too much to ask that policemen, having made law-enforcement their profession, should seek their career fulfilment within the ambit of their own service?

CAREER DEVELOPMENT OF THE POLICE PANEL

The above problems of higher management have arisen because of the misplaced concepts of superiority and inferiority among the All-India Services which have persisted over the years. Strangely, it is those who speak vehemently of the colonial vestiges that are most reluctant to part with them on one pretext or the other, and it is this approach which has contributed to the present predicament. The recruitment, pay structure and career development of the police have to be designed on their own merits with reference to the conditions of its service, the importance which society attaches to it and the need for keeping the service about temptation. It is only then that the police service will attract into its fold those who are genuinely interested in it as a satisfying career.

Another recent development is the arbitrary manner in which the incumbents to the highest post in the police hierarchical system are moved out with every change in the government giving an impression that the inspector general of police should be committed not only to the political party in power, but also personally to the chief minister. This practice has sinister implications which may not be readily accepted, but nothing can be more injurious to morale and man management. These bewildering changes have contributed to groupism and intriguing at the highest level—a consequence which is as undesirable as it is disgusting.

A word about the legal inhibitions which have impact on the organisational efficiency of the police system. The police cannot be expected to attain a high level of self-esteem unless the laws which are purposely made restrictive to protect the citizen from police tyranny are revised with some sense of realism. Some of our legal and procedural provisions are not only restrictive but downright humiliating which compel the police to circumvent them in the interest of projecting an efficient image of themselves before the public. It is easy to argue theoretically that policemen should do no more than what is authorised in law, but in actual practice, no society, however democratic, is prepared to accept a police system which falls back on procedural inhibitions and legal quibblings to explain its incapacity. The recurrent problem is, of course, one of reconciling the divergent demands of individual rights and societal protection. The supremacy of law is unquestionable, but it is equally necessary that the procedures evolved within the legal framework are not so unduly restrictive and impracticable that law-enforcement itself degenerates into a farce.

The pyramidal structure of the police departments has a tendency to stifle change for the simple reason that those at the helm of affairs

have neither time nor inclination to be innovative. During the last three decades, changes were attempted through police commissions, but they have invariably foundered on the shoals of finance. The ills of the police stem not so much from the problems of accountability of which much is now made of, but from the inadequacies of an out-moded system to face the compelling demands of the present and the enormous changes which another twenty years will herald. It is unfortunately in this area that both the police and the political leadership have failed. Let us not forget that the dynamics of social change cannot leave the police from the mainstream of development. Any attempt to do so will make the police organisation more sterile and insensitive and lead to its total isolation from the people. In the end, I have no hesitation in asserting that it is the politician's perception of the police which holds the key to reform. The police system has remained static in a rapidly changing society because the politician needed and used it for his narrow political ends and was not prepared to pay the price for an enlightened service.] Will it be different now ? ☐



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